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# THE AMERICAN CONGRESS

*A HISTORY OF NATIONAL LEGISLATION*

*AND POLITICAL EVENTS*

1774-1895

BY

JOSEPH WEST MOORE



NEW YORK

HARPER & BROTHERS PUBLISHERS

1895

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## PREFACE

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IN this book I have endeavored to give, in a concise and popular form, a clear, interesting, and valuable account of the legislative and political affairs of the American people from the colonial period to the present time—to describe faithfully the great historic measures, the leading statesmen, and the notable occurrences which have, one after the other, engaged the attention of the nation during the years of its development.

The first chapter is somewhat like a prologue, and serves to inform the reader in a rapid manner of the English settlement of the country, and of the momentous events which led to the meeting of the First Continental Congress. Thereafter, the history goes on in consecutive style to narrate the movement for independence, the doings of the Revolution, the making of the Constitution, the establishment of the Constitutional Government, and all the important legislative proceedings from the First Congress of the United States to the close of the Fifty-third Congress. The origin and growth of parties, the memorable actions of Presidents, and innumerable other matters pertaining to the broad and diversified field of American politics are also described and discussed. The work is the result of patient, long-continued study of the best historical authorities, of liberal thought, of kindly disposition, and I believe it to be accurate in its statements and just in dealing with men and measures.

Interwoven in the chapters are copious extracts from famous speeches and debates, all gathered from the official reports and presumably correct in their phraseology. The chapter-



headings are largely descriptive of the topics under consideration. There are appendices containing a number of important state documents and other matter valuable for reference, and there is also a full index.

While pursuing the studies for this history I made frequent use of the vast and wonderfully varied historical collections to be found in the great Library of Congress and the Department of State Library at Washington. In the valuable material examined in these libraries were ancient documents, official reports, letters, memoirs, newspapers, etc., not obtainable elsewhere. Much important information was secured from this material.

As this work was prepared mainly for the general reader, I have thought it well to give greater attention to the narration and discussion of events than to their philosophy. I am inclined to think that in these pages will be found all that the general reader will require, and something, perhaps, which may be acceptable to the scholar and the well-read person.

JOSEPH WEST MOORE.

NEW YORK, *March*, 1895.

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# THE AMERICAN CONGRESS

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FOR more than a hundred years the American Congress has been in existence as a distinct, national legislative body. Its parent stock was the Continental Congress, which existed in its several forms for nearly fifteen years, during which the British colonies in North America, with the exception of Canada and Nova Scotia, severed the ties that bound them to the mother-country and became an independent nation of freemen. Following the Continental Congress was the Congress of the United States under the Constitution, which in 1889 completed its first century of arduous legislative work pertaining to the rise, progress, and development of a great republic. The story of the founding of the American Republic, and of the century of national legislation that followed, is exceedingly interesting and instructive, and no one can become familiar with it without being convinced that strong and enduring patriotism was in the main the actuating force of the long line of able men who have guided the ship of state over the rather

tempestuous sea of American politics. In the following pages this story is told with more or less of details as the case seemed to require, the purpose being to show clearly every step of the way by which the nation has reached its present political condition.

The British colonies on the American Continent which afterwards became the American nation had been established for a long time before they achieved their independence. It was in 1498, six years after Christopher Columbus had discovered the New World, that Sebastian Cabot—an Italian navigator who had been given authority by Henry the Seventh, of England, “to discover countries of the heathen unknown to Christians,” and “to set up the king’s banners there”—first discovered the shores of what are now the United States of America and took possession of them in the name of the British Crown. For nearly a century England made no effort to take advantage of Cabot’s discovery. In 1585 Sir Walter Raleigh made an unsuccessful attempt to plant an English colony in Virginia, or the “virgin land,” as Queen Elizabeth called her vast American possessions. The colony was located on Roanoke Island, in Albemarle Sound; but the first party of colonists soon became discouraged and returned to England. Other colonists were sent to the island by Raleigh, but they mysteriously disappeared, and were supposed to have been killed by the Indians. Some years afterwards Commander Bartholomew Gosnold, who discovered and gave name to Cape Cod and Martha’s Vineyard, also made a vain attempt to establish a colony on the eastern coast. In 1606 James the First, the successor of Elizabeth, put the greater part of the American domain into the hands of two extensive companies, known as the London Company and the Plymouth Company, that were organized to found colonies in the new country, to promote trade with England, and to reap what harvest they could from the “fair and fertile lands of America.”

From this time the colonization of North America was begun in earnest. At first all the country had the general name of Virginia; but subsequently the region on the eastern coast was called New England, and other sections received other

names. The first permanent English settlement was made in the South, in 1607, by a hundred and five adventurous men who came to the New World to seek the good-fortune denied them at home. They included "gentlemen, carpenters, and laborers," as they were classed in the list of the London Company, from which they received a charter to found a colony on Roanoke Island. In the party was Captain John Smith, the famous English soldier, then less than thirty years old; and there were also Christopher Newport, Bartholomew Gosnold, Edward Wingfield, John Ratcliffe, and John Martin, all men of distinction in England. The party sailed from London on December 19, 1606, in three small vessels—the *Discovery*, the *Good Speed*, and the *Susan Constant*—and succeeded in reaching the West Indies in the spring. Thence proceeding in search of Roanoke Island, a great storm drove the little fleet into Chesapeake Bay. They sailed up this "Mother of Waters," as the Indians called it, and, entering the Powhatan (now the James) River, went about fifty miles west of its mouth and landed on May 13, 1607. Here they started a village, which they named Jamestown in honor of King James. Shortly after landing they elected a governor and other officials, made peace with the Indians, and took all the action necessary for the establishment of the Colony of Virginia, the first of the permanent English colonies in America.

In 1620 a band of devout English people, numbering in all only one hundred and two souls, made a settlement on the "stern and rock-bound coast" of New England. They are commonly called Puritans, but they were, in fact, Separatists or Independents, an entirely different sect. The Puritans were members of the Established Church of England, but they desired a purer form of worship than that prevailing in the Church, which employed, under the name of Protestantism, some of the ancient ceremonies of the Roman Catholic religion. The Separatists were dissenters and had no connection with the National Church. They claimed the right to worship God as their consciences dictated, and as they were persecuted in their native land a number of them fled to Holland, where they set up their altars and abiding places and lived for many

years. When the tide of emigration turned towards America the Separatists, tired of life in Holland, determined to go to the new country, and accordingly secured the right to establish a colony on the banks of the Hudson River. On September 6, 1620, the little band of Pilgrims set sail from the port of Plymouth, in England, in a small vessel named the *Mayflower*, and after a stormy and perilous passage arrived off Cape Cod on November 9th. When they discovered where they were they put their craft about and sailed southward for the mouth of the Hudson; but, as a chronicler of the expedition has written, "falling in with dangerous breakers, and all, especially the women, being impatient to leave the ship," they decided to return and establish themselves on the Eastern coast. They sailed around the cape and entered the harbor known now as Provincetown. Before landing, the forty-one men in the party, among whom were John Carver, William Bradford, William Brewster, Edward Winslow, and Miles Standish, signed the following "Compact of Government":

"In the name of God, Amen.—We, whose names are under-written, the loyal subjects of our dread sovereign lord, King James, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, etc., having undertaken, for the glory of God and advancement of the Christian faith, and honor of our king and country, a voyage to plant the first colony in the northern parts of Virginia, do by these presents, solemnly and mutually, in the presence of God and of one another, covenant and combine ourselves together into a civil body politic, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and offices from time to time as shall be thought most meet and convenient for the general good of the colony, unto which we promise all due submission and obedience."

This instrument, which in substance is purely democratic, was intended to be the foundation of the future government of the colony—the Pilgrim Republic, as it was subsequently called. It contains, for the first time in any written constitution, the

grand principle that government should be entirely for the good of those governed.

After exploring the western shore of Cape Cod for a month, the Pilgrims, on December 11, 1620 (old style), or December 21st (new style), finally landed on a convenient rock which stood at the entrance of a fine harbor—the historic Plymouth Rock—and “finding the adjacent land promising for tillage,” established a village which they named New Plymouth. Thus was the second permanent English settlement made on American soil.

During the half-century subsequent to the coming of the Pilgrim fathers and the establishment of the Plymouth Colony, a number of other English colonies were planted here and there in the central regions of America. Companies of Puritans founded the colonies of Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, and New Haven (subsequently incorporated into Connecticut). A company under the auspices of several English noblemen founded the colony of New Hampshire. New York, originally settled by the Dutch, became an English colony; Pennsylvania was settled by Quakers under William Penn; Maryland was settled by English Catholics under Lord Baltimore. And there were also established the colonies of New Jersey, Delaware, North Carolina, and South Carolina. In 1690 the Plymouth Colony—the mother colony of New England—was incorporated into the colony of Massachusetts Bay. In 1733 the colony of Georgia, the last of the original thirteen English colonies, was established. French, Spanish, Dutch, and Swedish settlements had been made in various parts of North America, but Great Britain claimed the jurisdiction over the entire country and the title to its lands by the right of original discovery.

The English colonies were distinct communities, entirely independent of one another. They were divided into three sections, and were known as the New England, the Middle, and the Southern colonies. Each section had its own peculiar form of government, the authority for which was derived from the British crown, either by special charters or proprietary patents, or by direct royal control. In each colony there was a govern-

or (sometimes appointed by the crown and sometimes chosen by the people) and various other officials, a judiciary, and a legislative assembly. The colonists always maintained that they possessed all the "rights, liberties, and privileges" of Englishmen as secured by the Magna Charta and confirmed by the Bill of Rights, and that the fact that they were living in America did not nullify or lessen in the slightest degree their prerogatives as natural-born subjects of Great Britain.

In May, 1643, commissioners from the colonies of Massachusetts Bay, Plymouth, Connecticut, and New Haven met at Boston and signed Articles of Confederation, under the name of the United Colonies of New England. By these articles two delegates from each colony were to meet yearly for a conference on all matters which were for the general good. This confederation was continued for forty-three years, greatly to the benefit of the colonists, especially in the matter of defence from the bloodthirsty savages by whom they were surrounded. It is regarded as the germ of the Federal Union.

The first call for a general congress of the colonies was made by Massachusetts in 1690. The Indian tribes called the Six Nations, assisted by the French settlers in Canada, were committing depredations on the villages in the northern part of Massachusetts and of New York, and it was proposed to organize an armed force for the common defence. In accordance with the call commissioners from five colonies met in the city of New York on May 1, 1690, and agreed to raise a force of eight hundred and fifty-five men to repel the French and Indian invasion and to wrest Canada from the French. Each of the colonies of New York, Massachusetts, Connecticut, Virginia, and Maryland was to furnish its quota of troops, and each colony was to have an equal share in the management of the campaign, which proved to be a disastrous one.

Thereafter congresses were held by the colonies whenever it became necessary to make arrangements for the protection of their interior frontier. On June 19, 1754, a congress was held at the little Dutch city of Albany in the colony of New York, for the purpose of making certain treaties with the Indians, and also for conference upon the question of a colonial

union for mutual protection and defence in anticipation of a war with the Canadian French. This Congress was composed of twenty-five delegates from New York, Massachusetts, New Hampshire, Connecticut, Rhode Island, Pennsylvania, and Maryland. Among them were Benjamin Franklin, Roger Wolcott, Jr., Thomas Hutchinson, Stephen Hopkins, Theodore Atkinson, and others distinguished in colonial affairs. The Congress was in session for three months, and after arranging matters with the Indians, discussed at some length the proposed union of the colonies, which was declared to be "absolutely necessary." Several delegates submitted plans of union, but the plan drafted by Benjamin Franklin met with the most favor and was adopted by the Congress.

Franklin's plan of union, which is generally called the "Albany plan," proposed to unite all the English colonies in America under a general government, with headquarters at Philadelphia. There was to be a president or governor-general appointed by the crown, and a grand council of delegates chosen by the colonial legislatures. The council was to choose its own speaker, was to levy taxes, enlist soldiers, and erect fortifications, and was to have a sort of general power of legislation. All the laws it should pass were to be approved by the crown. To the president was given the veto power, and also the right to nominate officers of the army. Each colony was to retain absolutely its right of local legislation.

The plan was submitted to the colonial legislatures and to the British Parliament, and was promptly rejected by both. It met with no favor from the people of the colonies or from the press. About the only newspaper of consequence that approved of it was the *Pennsylvania Gazette*, published in Philadelphia and owned by Franklin. This journal printed a quaint picture of a huge serpent cut in pieces, each piece bearing the name of a colony. At the bottom of the design was the legend "Unite or Die." The colonists believed the plan would give too much power to the crown; and Parliament, singularly enough, believed it would give too much power to the colonists. Therefore the first attempt at federal union failed.

At the time Franklin formed his plan of union he was on



the sunny side of fifty. Far and wide in the colonies he was known as a patriot and man of rare common-sense and practical ability. He was born in Boston, on January 17, 1706, and his father was an obscure English tallow-chandler who had emigrated to America to enjoy greater religious liberty. Franklin learned the printer's trade in his brother's establishment in Boston, became a composer of ballads, and also a newspaper writer, and when he was only nineteen went to Philadelphia to better his condition. He entered the city where he afterwards became so famous as the bells were ringing for church on a Sunday morning. He was friendless, and had only one silver dollar in his pocket.

But young Franklin was not long without friends and money. He obtained work at his trade, and rapidly made a reputation as a skilful printer. He went to London and worked there awhile, but in 1726 he was back in Philadelphia, and soon thereafter had established a profitable printing business. After a few years riches came to him; he became noted as the editor of the *Pennsylvania Gazette*, as a scholar and philosopher, and as a very public-spirited man. He discovered, by means of flying a kite, that the lightning of the clouds was electricity, and invented the lightning-rod. He also invented what he called an "open stove for better warming of rooms and at the same time saving fuel." The "Franklin stove," with some improvements, is still in use. In 1732 Franklin first published his celebrated *Poor Richard's Almanac*, and this collection of shrewd wit and wisdom had a large sale in Europe as well as in America for twenty-five years, and brought him a great deal of money. He became postmaster of Philadelphia in 1737, and in 1753 he was appointed by George the Second to be one of the two postmasters-general of America. Franklin was of medium height and stoutly built, with a fair complexion, gray eyes, and a pleasant expression. He had a cheerful nature, and at times was very playful in his manner and witty in his talk.

Such was the man who, in later years, gained a prominent place in the history of his country as a sagacious statesman and diplomat.

Although the colonies would not agree to any plan of political union, they readily combined to give what aid they could to England in her seven years' war with France, which began in 1755, and resulted in the complete overthrow of the French rule in America. All the requisitions made by England on the colonial legislatures were promptly responded to, and during the war 25,000 American soldiers co-operated with the British, and performed good service. For twenty years or more previously the colonies had been developing rapidly and growing stronger, richer, and of more consequence to the mother-country. In fact, they were beginning to be looked upon as an exceedingly productive gold-mine, from which the British Government and her merchants and manufacturers would be likely in time to take a vast amount of treasure. The exports from England to America were enormous, and this rapidly expanding and seemingly unlimited commerce with the New World was the principal factor in the astonishing growth at this period of the commercial power of Great Britain. In 1763, soon after the Treaty of Paris, by which England received from France and Spain all their possessions in America except the western part of the province of Louisiana, which was given by France to Spain, the national debt of Great Britain was so large and the interest account so burdensome that a plan was devised by the British Ministry to raise additional revenue by a direct tax on the colonies.

For a long time England had endeavored in various ways to regulate the colonial commerce by means of so-called "navigation acts," the object of which was to compel the colonists to buy and sell exclusively in the English markets; and she had collected large sums in customs. American manufactures were also restricted and discouraged. These measures were deemed oppressive, and produced no little discontent and ill-feeling. While the colonists to a certain extent admitted England's right to regulate their commerce and to collect customs, they would not admit that she had any right to lay internal or direct taxes. As far back as 1636 the legislature of the Plymouth colony had declared that "no taxes should be imposed but by consent of the body of freemen or their repre-

sentatives"; and later other colonies had made the declaration of no taxation without representation. This principle had been so well established that when it became known to the colonists that they were to be taxed directly for the support of the British Government, an intense spirit of opposition was developed. Remonstrances and denials of the right to tax Americans were forwarded to Parliament. The agents and friends of the colonies in London did all they could to defeat the proposed obnoxious measure. Franklin, who was then acting as the London agent of Pennsylvania, told Lord Grenville, the originator of the plan of taxation, that "it would give great and just dissatisfaction to the people of the colonies to be taxed by a body in which they were not represented." Associations were formed everywhere in America to discourage the use of English goods, in order that by thus acting injuriously on the merchants and manufacturers of England they would give their influence against the proposed tax.

It was all to no purpose, however, for Parliament, in 1765, passed the famous measure of direct taxation known as the Stamp Act. By this act it was declared that every legal and commercial document used "in the British colonies and plantations in America," to be valid, must be written on parchment or paper bearing a royal stamp. Newspapers, almanacs, and pamphlets were also to be stamped. The stamps were similar to those then used for the same purpose in England, and were small pieces of paper, on each of which was a picture of the crown of Great Britain and the motto, "*Honi soit qui mal y pense*." They ranged in value from six cents to fifty dollars, and were only to be obtained from the king's officials. As it was expected that the act would be violated, provision was made for inflicting penalties in any of the royal courts, trial by jury being abolished in these cases; and an act was passed providing for the sending of troops to America to aid in collecting the stamp duties.

The new scheme of taxation produced the greatest indignation throughout the colonies. In some of the legislatures it was bitterly denounced. It called forth in the Virginia House

of Burgesses Patrick Henry's celebrated resolutions declaring that the sole right to levy taxes upon the inhabitants of Virginia was vested in the legislature of that colony. During his speech urging the passage of the resolutions the great orator boldly asserted that the king in assenting to the Stamp Act had played the part of a tyrant; and then alluding to the fate of other tyrants he exclaimed in thrilling tones, "Tarquin and Cæsar had each his Brutus, Charles the First had his Cromwell, and George the Third—" Here he was interrupted by loud cries of "Treason!" "Treason!" "Treason!" from all parts of the legislative chamber. Pausing for a moment the intrepid Virginian calmly surveyed his timid compeers, and then said in an impressive manner, "And George the Third may profit by their example. If this be treason make the most of it."

In the Massachusetts legislature on June 6, 1765, a resolution introduced by James Otis, the fearless and brilliant patriot, was passed calling for a congress of delegates from all the colonies to meet at the city of New York, and "to consult together on the present circumstances of the colonies, and the difficulties to which they are and must be reduced by the operation of the acts of Parliament for levying duties and taxes on the colonies; and to consider of a general and united, dutiful, loyal, and humble representation of their condition to His Majesty and to the Parliament, and to implore relief." The call was responded to by eight of the thirteen colonies; and on the 7th of October, 1765, twenty-seven delegates from Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, and South Carolina assembled in the City Hall in New York and formed what is usually designated as the Stamp Act Congress. The colonies of New Jersey, Virginia, North Carolina, and Georgia, which did not respond to the call, were prevented from responding by their royal governors, who would not allow their legislatures to elect delegates. The colony of New Hampshire did not favor the proposition.

The Stamp Act Congress was the first congress ever convened in America by the people, the others having assembled

by royal authority. It was composed of men able, patriotic, and learned. They were entirely loyal to the crown, but they were firm believers in and advocates of colonial rights, and were determined to make an emphatic protest against what they deemed was a wanton violation of them. Timothy Ruggles, of Massachusetts, was chosen chairman of the Congress, and he was supported by such men as James Otis, Christopher Gadsden, Robert R. Livingston, John Dickinson, Thomas Lynch, John Cruger, Thomas McKean, and others as patriotic, but not so well known. During a session of three weeks they discussed all the grievances of the colonies. John Cruger, who was then the Mayor of New York, wrote an address to Parliament, which the Congress adopted under the name of "The Declaration of Rights and Grievances of the Colonists in America." A petition to the king and a memorial to the people of Great Britain were also prepared. After stating the rights of the colonists as subjects of the crown, it was maintained in the Declaration of Rights "that it is inseparably essential to the freedom of a people and the undoubted right of Englishmen, that no taxes should be imposed on them but with their own consent, given personally, or by their representatives; that the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons, in Great Britain; that the only representatives of the people of these colonies are persons chosen therein by themselves; and that no taxes ever have been or can be constitutionally imposed on them but by their respective legislatures." It was further maintained that the act of Parliament imposing stamp duties had a "manifest tendency to subvert the rights and liberties of the colonists"; and that "the increase, prosperity, and happiness of these colonies depend on the full and free enjoyment of their rights and liberties and an intercourse with Great Britain mutually affectionate and advantageous." The repeal of the Stamp Act was demanded, and the English manufacturers and merchants were notified that until this were done the colonists would buy no more of their goods.

The Stamp Act was to go into effect on November 1, 1765.

As the time approached the popular feeling against it increased, and there were many violent demonstrations of this feeling. Some of the royal officials who were to distribute the stamps were mobbed, their houses forcibly entered, and their household goods destroyed. One official was burned in effigy. The strong, determined resistance to the odious tax caused great disorder and a feeling of uncertainty, and business and social affairs were seriously interfered with. When November 1st arrived the church-bells in all the cities were tolled as if for a funeral, and emblems of mourning were displayed. In some places there were mock funeral processions. The Stamp Act was designated "The Folly of England and the Ruin of America." No amount of coercion could make the people buy the royal stamps, and there was indeed confusion worse confounded. English goods were not purchased; and, therefore, within a few weeks Parliament was compelled to repeal the obnoxious measure in order to save the trade with the colonies.

When the resolution to repeal the Stamp Act came up in Parliament in January, 1766, William Pitt, the great statesman, in speaking upon American affairs, said, "I rejoice that America has resisted." He maintained that taxation was no part of the governing or legislative power which Parliament had a right to exert over the colonies; and Lord Camden, who earnestly advocated colonial rights, declared that "taxation and representation are inseparable." Their associates, however, did not subscribe to this doctrine. When Parliament passed the resolution of repeal it also passed what was called the "Declaratory Bill," which declared that Parliament had "a right to bind the colonies in all cases whatsoever."

In 1767 a new plan of taxing the colonies was conceived. A bill passed Parliament with scarcely any opposition in May of that year to lay duties on all tea, glass, paper, and painters' colors imported into America. This measure of indirect taxation aroused nearly as much indignation as the Stamp Act, and within a short time agreements not to sell the articles on which duties were laid were generally signed by the merchants of the leading colonial cities. The people of Boston having

had several conflicts with the custom-house officers about the objectionable duties, British troops were sent to that city to preserve order. Two regiments arrived in September, 1768, and were quartered in the public buildings. The presence of the troops aroused the anger of the people, and served to keep in a glow the flame of discontent with the parent government. Everywhere in the colonies this discontent was manifested. Great Britain was no more called "a kind and indulgent mother," as had been the custom before she began her acts of oppression; but the designation given to her was that of "a cruel and relentless tyrant." Colonial affairs for several years were in a turbulent and critical condition. The progress of the colonies was retarded, their prosperity was diminished, and they were apparently waiting for revolution.

In 1773 occurred Boston's famous "tea-party." Two years before Parliament had removed all the duties laid in 1767, with the exception of a duty of threepence a pound on tea. The king declared "there must be one tax to keep up the right." The partial removal of taxation did not satisfy the colonists so long as England still claimed the right to tax them, and they demanded that the duty on tea be taken off. Until this were done they would not use "the invigorating weed from China's shore"; and, in consequence, that article greatly accumulated in the London warehouses of the East India Company, then the only shipper of tea to England and her colonies. Finally, as a sort of compromise measure, Parliament gave the company permission to ship tea to America without paying the regular export duty. A drawback was also allowed of all duties paid upon the importation of the tea to England. The company was to pay the threepence tax when the tea was entered in the colonial custom-houses. It was believed by the British Ministry that this scheme, by making tea cheaper in America than in England, would almost imperceptibly manœuvre the colonists out of the principle they had so earnestly maintained.

As soon as this arrangement was made, the East India Company despatched across the Atlantic a number of ships laden with tea; but the patriotic colonists thoroughly understood the matter, and were not to be turned from the position they had



taken. They determined to prevent the tea from being landed, well knowing that once it was on shore it would be sold to those who were not strong in their devotion to the no-taxation principle, and the precedent established for the collection of the tax. When some of the tea ships arrived in the outer harbors of New York and Philadelphia, the pilots would not conduct them to the wharves, and they were compelled to return to England. Three ships filled with "superfine black tea" reached Boston in the latter part of November and the first part of December, 1773. As they were not permitted to unload, application was made to Governor Hutchinson for an order for them to return. The governor refused to give the order, declaring that the tea should be brought on shore.

On the afternoon of the 16th of December the citizens of Boston assembled in the Old South Meeting-house to consider what disposition should be made of the tea, which was guarded by a committee in order to prevent any of it from being landed. During the discussion somebody significantly remarked, "Who knows how tea will mingle with salt-water?" and this remark appears to have been received with shouts of approval. A deputation was sent to the governor to ask him again if he would give an order for the tea ships to depart, and again he refused. When the refusal was announced to the assemblage, there ensued an exciting discussion, which was closed by Samuel Adams saying, "This meeting can do nothing more to save the country." His remark was followed by a loud war-whoop from the gallery of the church, and the meeting hastily adjourned.

It was six o'clock and quite dark. Scarcely had the people come forth from the old church when a party of men disguised as Indians ran down the street shouting, "To Griffin's wharf! Boston harbor a teapot to-night!" Many people followed, and when the disguised party reached the wharf they boarded the tea ships, and in less than three hours 342 chests of tea were broken up by them and thrown into the sea. Not an ounce of the "fragrant Bohea" was carried away. When the work of destruction was completed the "Indians" and their assistants marched quietly in procession through the central part of the

town, and then dispersed. There was no disorder, and the night that followed was the stillest that Boston had known for a long time.

The audacious deed caused great exultation in Boston the next day. Bells were rung, drums beaten, guns fired, and every joyous demonstration made. John Adams said in high glee, "Oh, this is the most magnificent movement of all!" and other distinguished Massachusetts patriots expressed the same delight. New York and Philadelphia had enthusiastic celebrations for "Boston's tea-party," as everybody termed it; and in the Southern cities there was also considerable jubilation.

But Boston had to pay dearly for her tea-party. Shortly after the news reached England acts were passed by Parliament closing the port of Boston to all commerce, removing the seat of government to Salem, providing for the appointment by the crown of all judges, councillors, and other functionaries of the colony, and virtually abrogating the charter of Massachusetts. When the so-called "Boston Port Bill" and the "Regulating Act" were announced there was forthwith aroused in the whole country a strong sympathy for Boston, and it was declared everywhere in conventions that the city should "be regarded as suffering in the common cause." Great quantities of provisions and large sums of money were sent from every colony to the persecuted Boston people. Washington said at a convention in Virginia, "I am ready to raise one thousand men, subsist them at my own expense, and march at their head for the relief of Boston."

What was to be done under the circumstances? The question was asked from Massachusetts to Georgia, for it was well understood that this was an exigency of the gravest sort. There were serious deliberations upon the situation, and, finally, Virginia, New York, and Rhode Island proposed a great Continental Congress of delegates from all the colonies, to meet at one of the prominent cities and to consider the best mode of action. The proposition was accepted by the colonies, and it was left with Massachusetts to name the day and place of the meeting of the Congress. On the 17th of June, 1774, a resolution was sur-

repeatedly introduced by Samuel Adams in the Legislature of Massachusetts, then sitting at Salem, and passed before the king's officials could dissolve the body, appointing a Continental Congress to meet at Philadelphia on the 1st of September, 1774.

## CHAPTER II

The Colonies in 1774.—Styles of Dress and Ways of Living.—The Political Situation.—Massachusetts Defies England.—Meeting of the Continental Congress at Philadelphia.—Life in the Quaker City.—The Carpenters' Hall Occupied by the Congress.—Early Debates.—Patrick Henry's Patriotic Speech.—The Distinguished Members of Congress.—The Bill of Rights.—Union of the Colonies.—The Articles of Association.—A Petition to King George and Addresses to the People of Great Britain and British America.

At the time of the meeting of the Continental Congress the thirteen English colonies in North America that had resolved not to submit to taxation by the British Government had a population of about three millions, and, it may be said, were rich enough and strong enough to take care of themselves. Massachusetts, Pennsylvania, and Virginia led the others in population, enterprise, and wealth; and in the first two colonies especially there had been remarkable progress in trade and commerce. Manufacturing had hardly begun, but the non-importation of English goods by the colonists generally since the trouble with the mother-country had tended to encourage the making at home of the coarser grades of textile fabrics, and there was every indication that in a short time mills and other manufacturing concerns would be established in the Northern cities. Agriculture flourished in all the colonies, and there were many well-to-do planters and farmers. Slavery existed in New England and the middle colonies as well as in the South, and in some parts of the first-named sections there were nearly as many slaves as in Virginia and the Carolinas. As a general thing the slaves were well cared for and kindly treated, and gave no sign that they were not happy and contented in bondage. The middle-class colonists usually lived in small wooden houses, often unpainted, and ate coarse

food served on common dishes. Their houses were provided with substantial, if not very comfortable, furniture, and had a rather attractive appearance. Simplicity in dress and manner of living prevailed in this class. They were clad in linsey-woolsey or other ordinary woven fabrics, but the men always had one suit of broadcloth and the women one fine silk or satin gown for "state" occasions, this costly apparel generally lasting a lifetime. The wealthy and aristocratic class, which was rather numerous in some of the colonies, aped the ways and fashions of the English nobility. The men wore long, fine cloth coats with brass buttons, long satin waistcoats, ruffled shirts, cloth or satin knee-breeches, low shoes with great buckles, and jaunty, three-cornered hats, surmounting powdered hair combed back and tied in a queue. The women attired themselves in magnificent brocaded gowns, filled out with enormous hoops and trimmed with French lace and ribbons, dressed their hair high and had it powdered, and were as lavish in the display of diamonds as our latter-day dames. Their mansions, built of English bricks, were filled with rich, heavy furniture, usually of mahogany, good pictures, costly china, and solid silverware all brought from England, and they lived in a style that in many respects would be considered luxurious even now.

The political situation in the colonies in the fall of 1774 may thus be described: It was felt that the lives and liberty of the colonists in all parts of America were put in jeopardy by the action of Great Britain in annulling the charter of Massachusetts, and there was a unanimous determination to resist this unwarrantable deed. All the colonies, except Georgia, had elected delegates to the Continental Congress. Georgia, instead of electing delegates, had agreed to abide by the action of the Congress, whatever it might be. General Gage, the commander-in-chief of the British forces in America, had been appointed Governor of Massachusetts by King George, and had undertaken the rather difficult task of compelling the inhabitants of that colony to respect the authority of the crown. He had filled Boston with troops, and the city resounded with the roll of the drum and the march of armed men. Town-meetings were forbidden, but they continued to be held despite

the inhibition. The "Regulating Act" was constantly defied. The king's judges were not allowed to hold court; the king's councillors were forced to resign, so strong was the public feeling against them. When Governor Gage threatened to compel obedience to the act by the use of his troops, the people declared that if he did so his own head would be in danger, and directly set at work "to collect powder and ball." Minute-men were organized and held in readiness to march to the defence of Boston "at a minute's warning." One day when it was reported in the surrounding country that Gage's soldiers had fired on some people in Boston, several thousand minute-men forthwith started for the city "to give blood for blood," but they turned back when they learned that the report was untrue. A convention which caused Massachusetts to assume a defiant attitude was held at the village of Milton, in Suffolk County, and a series of resolutions written by Dr. Joseph Warren, the eminent patriot of Boston who afterwards lost his life at the battle of Bunker Hill, was adopted without a dissenting voice. These resolutions, usually called the "Suffolk Resolves," which, it is said, "led the way to American independence," declared "that a king who violates the chartered rights of his people forfeits their allegiance." The oppressive acts of Parliament were declared null and void, and it was resolved "that they be rejected as the attempts of a wicked administration to enslave America."

By the 1st of September, 1774, most of the delegates to the Continental Congress had arrived in Philadelphia and found quarters at the City Tavern, a hostelry famous for its "good entertainment for man and beast." The Quaker City was all agog over the meeting of the Congress, and the leading citizens gave the delegates a hearty welcome as they arrived.

At this time what John Adams called "the happy, the peaceful, the elegant, the hospitable and polite city of Philadelphia," was the most important place on the American Continent, and had an extensive trade with England. It had been laid out with striking regularity in 1682, under the direction of William Penn, who had given it the Greek name meaning brotherly love. Penn was a devoted follower of George Fox,

the founder of the Society of Friends, and the new city on the Delaware River soon became the headquarters in America of the Quakers, the Society of Friends in London sending to it many persons from time to time. In 1774 Philadelphia had about twenty thousand people, the majority of whom were Quakers. The city had some fine houses of brick and of stone and numerous wooden ones. It had a dozen churches, about three hundred shops, a few manufactories, one theatre, where the play began at six o'clock at night, and one daily newspaper, the *Pennsylvania Packet*, which had been established in 1771 by John Dunlap. There were many wealthy families in the city, and those not Quakers lived in elegant style, gave elaborate dinners and balls, and socially were very gay. The Quakers were plain in dress and simple in living, but some of them gave generous entertainments. The people of Philadelphia were more conservative, perhaps, than the people of Boston or of the South, but they were very patriotic and earnestly supported the cause of the colonies.

A few of the delegates to the Continental Congress had served in the Stamp Act Congress, but the greater number had never met before. As the Congress did not begin until September 5th, they had an opportunity to become acquainted with one another and with the city. The State-house was offered to them for the sessions of the Congress, but as the use of it would have discommoded the Pennsylvania Assembly, then sitting, it was politely declined, and the hall of the "Honorable Society of Carpenters" was secured for the purpose.

The Carpenters' Hall is an odd-looking structure, erected in 1770 of "small imported bricks, each alternate one glazed, giving a checkered appearance." It is still preserved in good condition, and stands in a little court in the central part of Philadelphia, a quaint relic of colonial days. The room occupied by the Continental Congress is about forty-five feet square, and has a pillared alcove in the rear twenty-five feet wide and twelve feet deep. Some of the chairs and tables used by the Congress have been preserved and are shown in the venerable building.

At ten o'clock on the morning of September 5th the del-

legates formed in line in front of the City Tavern, and in solemn procession marched to the Carpenters' Hall and began the session of the Continental Congress. There were forty-four delegates present, out of fifty-six chosen, as follows:

John Sullivan and Nathaniel Folsom, of New Hampshire; Thomas Cushing, Samuel Adams, John Adams, and Robert Treat Paine, of Massachusetts; Stephen Hopkins and Samuel Ward, of Rhode Island; Eliphalet Dyer, Roger Sherman, and Silas Deane, of Connecticut; James Duane, John Jay, Philip Livingston, Isaac Low, and William Floyd, of New York; James Kinsey, William Livingston, John Dehart, Stephen Crane, and Richard Smith, of New Jersey; Joseph Galloway, Samuel Rhodes, Thomas Mifflin, Charles Humphreys, John Morton, and Edward Biddle, of Pennsylvania; Cæsar Rodney, Thomas McKean, and George Read, of Delaware; Robert Goldsborough, William Paca, and Samuel Chase, of Maryland; Peyton Randolph, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton, of Virginia; Henry Middleton, John Rutledge, Christopher Gadsden, Thomas Lynch, and Edward Rutledge, of South Carolina.

Subsequently the following delegates appeared, completing the Congress:

Richard Caswell, William Hooper, and Joseph Hewes, of North Carolina; Matthew Tilghman and Thomas Johnson, of Maryland; Henry Wisner, John Alsop, John Herring, and Simon Boerum, of New York; George Ross and John Dickinson, of Pennsylvania; Richard Henry Lee, of Virginia.

The delegates unanimously elected Peyton Randolph, of Virginia, president of the Congress, and Charles Thomson, of Philadelphia (although not a delegate), was chosen secretary. Nothing was done on the first day except to organize, and to examine the credentials of the delegates.

When he was elected to the Congress, Peyton Randolph was the Speaker of the Virginia House of Burgesses, which office he continued to hold during his congressional term. For years he had been a prominent man in colonial affairs, and was highly esteemed for his sturdy patriotism and nobility of character. He had been the king's attorney-general, was noted for



his legal knowledge, and was well acquainted with the forms of parliamentary practice. He was fifty-three years old, large, fine-looking, dignified yet very complaisant, and presided at the sessions of the Congress with a great deal of tact and ability. As the president of this august body—this “constellation of worthies,” as it was designated—he was considered by the people the foremost man in the colonies; and the epithet “Father of his Country” was first applied to him, as is shown in an article in the *Gentlemen’s Magazine* of July, 1775.

Charles Thomson, the Secretary of Congress, was greatly beloved by the people of Philadelphia, where he had lived for many years. He had come to America in 1730, a poor Irish lad of eleven years, had acquired a fine classical education, had been master of the Friends’ Academy, had translated the Greek Testament, and had taken so earnest a part in colonial affairs that he was called “the life of the cause of liberty.” He was also named by the Delaware Indians, with whom he had had dealings, “Weh-wo-la-ent, or the man who speaks truth”; and it is related that while he was Secretary of Congress it was the custom of the members “to call upon him to verify disputed points, by saying, ‘Let us have truth or Thomson,’ his word being considered equal to any other man’s oath.” Mr. Thomson was a tall, slender man, with a long, thoughtful face, sparkling eyes, and white hair combed straight down upon his head. He had not expected to be Secretary of Congress, and how he obtained the position he thus relates in one of his letters:

“I was married to my second wife on a Thursday; on the next Monday I came to town to pay my respects to my wife’s family. Just as I alighted in Chestnut Street the door-keeper of Congress (then first met) accosted me with a message from them requesting my presence. Surprised at this, and not able to divine why I was wanted, I, however, bade my servant put up the horses and followed the messenger to the Carpenters’ Hall and entered Congress. Here was, indeed, an august assembly, and deep thought and solemn anxiety were observable on their countenances. I walked up the aisle, and, standing opposite to the president, I bowed and told him I awaited his pleasure. He replied, ‘Congress desire the favor of you, sir,

to make their minutes.' I bowed in acquiescence and took my seat at the desk."

And at the desk Secretary Thomson remained all through the period of the Continental Congress, almost fifteen years, having been unanimously chosen secretary each session. At the close of the first session he was presented by the delegates with a massive solid silver urn, inscribed, "In testimony of their esteem and approbation."

The delegates to the Congress were appointed in some of the colonies by the legislatures, and in others by committees or conventions of the people. No special instructions were given them, and, therefore, they were left unhampered "to consult together and to act for the common good." They had assembled under the influence of common wrongs and a common sympathy, and it was expected that they would agree upon a general plan of conduct which the colonies could adopt to meet the emergency.

The Congress was opened on the third day with prayer by the Rev. Jacob Duché, of Christ Episcopal Church of Philadelphia. In the voluminous diary which John Adams left behind him, and which was given to the world by his heirs, it is stated that in the evening of the second day of Congress a report had come that British ships were bombarding Boston. The diary says: "The public mind was deeply agitated. 'War!' 'War!' 'War!' was the cry. The members of Congress met the next morning in this agitated state. The Rev. Jacob Duché appeared with his clerk and in his pontificals; read several prayers; then the psalm for the 7th day of the month—the 35th—which began, 'Plead thou my cause, O Lord, with them that strive with me, and fight thou against them that fight against me. Lay hand upon the shield and buckler, and stand up to help me'; and then he unexpectedly to anybody struck out into an extemporary prayer for America, for the Congress, for Massachusetts, and especially for Boston, which was so fervent that it thrilled the bosom of every man present."

The first discussion in Congress was about the method of voting, whether it should be by colonies, by the poll, or by interests. Finally it was decided that each colony should have

but one vote, in order that all the colonies, large and small, should have equal representation.

Among those who debated this matter was Patrick Henry, who had come to the Congress with so great a reputation as an orator and patriot that the members were eager to make his acquaintance and to hear him speak. Mr. Henry was born in Hanover County, Virginia, in 1736, his father being a highly respected Scotch planter. Patrick was a country merchant's clerk at first, then he studied law for six weeks, and succeeded in passing an examination after this slight preparation. For a number of years after his admission to the bar Mr. Henry was very poor and obscure, but he conquered all the difficulties of his youth, and rose to be one of the leading lawyers and politicians of his colony. He was ardent and impulsive, and among the first to resist British oppression. The timid loyalists, who were afraid his bold utterances would displease the king and that dreadful consequences would ensue, said he was "a very devil in politics." His oratorical efforts in the Virginia Assembly caused him to be designated as "the Demosthenes of the age." He had a tall, lank, ungainly figure; a long, thin, cadaverous face, lighted with small blue eyes which had a peculiar twinkle, and he usually wore a brown wig unpowdered, a gray coat, leather knee-breeches, and yarn stockings. He was genial and companionable, and quick to make friends, whom he held "with hooks of steel."

Although Patrick Henry made a great reputation throughout the colonies by his speech during the debate upon the method of voting, the fame of the speech even coming down to the present time, there are only scanty records of it preserved. The Continental Congress sat with closed doors, and all its proceedings were secret. Its journals were subsequently published, but they contain little besides motions and resolves and routine business. No official reports of the debates were ever published, and all that we know about them is what is stated in a fragmentary way in the letters and diaries of two or three members of the Congress. William Wirt, in his *Life of Patrick Henry*, printed many years ago, says of the famous speech that it "seemed more than that of mortal man. His counte-

nance was erect, his eye steady, his action noble. He sat down amidst murmurs of astonishment and approbation; and as he had before been proclaimed the greatest orator of Virginia, he was now, on every hand, admitted to be the first orator of America."

In his speech Mr. Henry recited some of the grievances of the colonies, and said that the Congress had "met in a time and on an occasion of great difficulty and distress." He said that "the public circumstances are like those of a man in deep embarrassment and trouble who calls his friends together to devise what is best to be done for his relief; one would propose one thing, and another a different thing, whilst a third would think of something better suited to his unhappy circumstances, which he would embrace and think no more of the rejected schemes, with which he would have nothing to do." He believed as this was the first general Congress, and as it was likely there would be occasion for more congresses, that a correct precedent should be established as to the manner of voting. He did not approve of the colonies having equal representation, but he declared he should readily submit to the judgment of his compeers. In the course of his speech he advocated a true national spirit, in these words: "Fleets and armies and the present state of things show that the government is dissolved. Where are your landmarks—your boundaries of colonies? We are in a state of nature! All distinctions are thrown down; all America is thrown into one mass. The distinctions between Virginians, Pennsylvanians, New-Yorkers, and New-Englanders are no more. I am not a Virginian, but an American."

Besides the great orator of Virginia there were a number of distinguished men in the Congress. John Adams, who was himself one of the notable members, in writing to his wife from Philadelphia, said: "The Congress is such an assembly as never before came together, on a sudden, in any part of the world. Here are fortunes, abilities, learning, eloquence, acuteness, equal to any I have met with in my life."

John and Samuel Adams were able representatives of Massachusetts. They were prominent as orators, as thinkers, as

patriots. They were on the important committees, and took a leading part in all the work that was done. John Adams was born at Braintree, Mass., in 1735, and therefore was in his fortieth year at the time of his appearance in Philadelphia. He was a short, stout, rather irascible man, and had a round, ruddy face. He was the son of a well-to-do farmer of Puritan descent, was a graduate of Harvard College, the foremost educational institution in the colonies, and for some time had been a lawyer with a good practice in the city of Boston. Early in his career he had distinguished himself by writing patriotic essays for the Boston *Gazette*, and by defending without pay persons charged with violating the Stamp Act. He had served in the Legislature of Massachusetts, and had gained a reputation as a bold, sagacious law-maker. When he came to the Congress he was fully prepared by education and experience for any legislative work. After three years' service as congressman, he was appointed Minister to France, and subsequently became Minister to England, the first Vice-President, and the second President of the United States.

Samuel Adams was the cousin of John Adams. He was born in Boston in 1722, and his father was a prominent merchant who lived in one of the finest mansions in the city. The father was an earnest patriot, and gave freely of his means and time to the cause of the colonies, and the son from boyhood was noted for his patriotic labors. Samuel was graduated from Harvard College, and after studying law for a while entered a counting-room to become a merchant. Later, in connection with his father, he established a malt-house. The cares of a large business did not prevent him from actively engaging in public affairs. He probably devoted too much time to them, for he failed as a maltster, became "desperately poor," and had to act as clerk to the legislature to support his family. He was called "Patriot Samuel Adams," because he strove so zealously to make the people cognizant of their charter rights and privileges. He believed that the only sure remedy for all the colonial troubles was separation from Great Britain; and, as he publicly advocated American independence years before any one else did, he was named in after-life the "Father of

the Revolution." He had a dignified presence, a "firm Puritan face," and was very impressive in his manner of speaking. He became Governor of Massachusetts after the Revolution, and lived to a happy, serene old age.

Roger Sherman, of Connecticut, the learned shoemaker, judge, legislator, and enthusiastic advocate of colonial rights, was another distinguished member of the New England delegation to the Congress. Born in humble circumstances in 1721, he had no educational advantages in his youth, but by assiduously applying himself to books while working for a living at the shoemaker's bench, he had risen to become a judge of the Superior Court of Connecticut and a man of great influence in that colony. He remained in Congress for many years, and was the only member who signed all the important state documents on which the American Republic was founded. He was tall and spare, slow in his utterances and a rather tedious speaker; but he was wise and practical, and never failed in his devotion to the cause of freedom.

In the Pennsylvania delegation was John Dickinson, the author of the celebrated "Letters from a Farmer," relating to colonial rights, which had had a large circulation throughout America, and had done much to educate the people to comprehend the significance of the British encroachments. No man in the country at this time, not even Franklin or Washington, was more widely or more favorably known. Mr. Dickinson was born in Maryland in 1732, his father being a wealthy Quaker farmer, and his mother a member of the distinguished Cadwalader family of Philadelphia. He resided in Philadelphia, where he practised law. He was tall and slender, with a handsome, scholarly face. He was a fascinating speaker, and at times would become exceedingly eloquent in his advocacy of American rights. The conservative, peace-loving Quakers of Philadelphia, who were fearful that he would go too far in his contempt for the royal authority, attempted to alarm his mother so that she would remonstrate against his course. One day, it is stated, she said to him, "John, you will be hanged; your estate will be confiscated; you will leave your excellent wife a widow, and your charming children beggars and infamous." This Quaker

influence surrounding him was very strong, and it doubtless caused the strange conservatism he showed when the moment for decisive action had arrived.

Richard Henry Lee was one of the most impressive orators of the Congress, and took a leading part in the debates. He had a clear, melodious voice, and was graceful in his delivery. He was born in Virginia in 1732, and was a member of the illustrious family raised in the Old Dominion by Richard Lee, the noted English statesman, who left his native land for political reasons and established a new home on American soil. For a number of years Richard Henry Lee had been a very active member of the Virginia House of Burgesses. As he had a large estate he had no need of a vocation for money-making, and therefore devoted his time to politics and literary matters. He had opposed the Stamp Act with all the vigor of a strong nature stirred to its depths by intense indignation, and in other ways had shown by his zeal and courage in resisting the attempts of Great Britain to wrong the colonists that he possessed the true American spirit. He was tall and comely, genial and refined.

Benjamin Harrison, the great-grandfather of ex-President Benjamin Harrison, was another Virginian of note. Born in 1730, he had been active in public life from early manhood, and it is said was with those "who so carefully nourished in Virginia those sparks of freedom which were gradually extended over the continent." Mr. Harrison was a fine specimen of manly beauty, a large, muscular man, six feet in height, with a pleasant face glowing with health, a winning smile, and a clear, musical voice. He had an intrepid nature, and gave much encouragement to those about him by his hearty, enthusiastic words and confident manner. After his service in Congress he became Governor of Virginia.

Edward and John Rutledge, of South Carolina, were gifted lawyers and eloquent orators. Christopher Gadsden—called "the frank, fearless Gadsden"—was a wealthy and learned merchant of Charleston, S. C. It is said that he was acquainted with seven languages and could read the Bible in the original tongues. Thomas McKean, of Delaware, held a high position as a lawyer and was a skilful debater. Thomas

Mifflin, of Pennsylvania, was a man of large means and an experienced legislator. He lived in the finest mansion in Philadelphia, and entertained his fellow congressmen in an exceedingly hospitable manner. John Jay had the distinction of being the youngest member of the Congress. He was only twenty-nine, but had already obtained considerable prominence as a lawyer and politician in New York. Agreeable as a speaker, wise in his counsels, and genial in his manner, he soon obtained popularity.

George Washington took an important part in the deliberations. At this time he was a matured man of forty-two and the foremost soldier in America, having won great renown by his gallant service in the French and Indian wars. He had gained experience as a legislator in the Virginia House of Burgesses, and possessed in no small degree many of the qualities of the successful statesman. He was neither very learned nor eloquent, but, as Patrick Henry said, "If you speak of solid information and sound judgment, Colonel Washington is unquestionably the greatest man upon the floor." As he was the commander of the Virginia troops, he appeared in his military uniform. He was six feet two inches in height, and had a large, muscular body, which, arrayed in a showy uniform, made him very conspicuous. He and Harrison were the largest men in the Congress. Washington was born in Westmoreland County, Va., on February 22, 1732. His father, a wealthy planter, was from an ancient English family, and his mother was a Virginian. While but a boy the future great soldier and statesman was occupied for several years in making an elaborate survey of the immense Western domain belonging to Lord Fairfax, and afterwards he performed considerable military service. At his father's death he inherited a fine property, and later came into possession of Mount Vernon. He married Martha Dandridge Custis, a beautiful and wealthy widow, on January 7, 1759, and for a number of years cultivated his great Potomac estate and lived the usual life of a Virginia planter, little dreaming of the wonderful public career he was to have. He had a handsome but grave face, and his manner was the perfection of courtly grace.



On the 17th of September, the resolutions of defiance to the crown, which were adopted by the convention at Milton, Suffolk County, Mass., reference to which was made in the first part of this chapter, were presented to the Congress by Paul Revere, who had come to Philadelphia as the special messenger of the convention. In response to this important declaration the Congress thus unanimously resolved:

"That this assembly deeply feels the suffering of their countrymen in the Massachusetts Bay, under the operation of the late unjust, cruel, and oppressive acts of the British Parliament; that they most thoroughly approve the wisdom and fortitude with which opposition to their wicked ministerial measures has hitherto been conducted; and they earnestly recommend to their brethren a perseverance in the same firm and temperate conduct as expressed in the resolutions determined upon at a meeting of the delegates for the county of Suffolk, on Tuesday the 6th instant, trusting that the effect of the united efforts of North America in their behalf will carry such conviction to the British nation of the unwise, unjust, and ruinous policy of the present administration, as quickly to introduce better men and wiser measures."

It was also resolved "that contributions from all the colonies for supplying the necessities and alleviating the distress of our brethren at Boston ought to be continued in such manner, and so long, as their occasion may require."

Later in the session the Congress resolved "that this Congress approve the opposition of the inhabitants of Massachusetts to the execution of the late acts of Parliament; and if the same shall be carried into execution by force, in such case all America ought to support them in their opposition."

Joseph Galloway, one of the delegates from Pennsylvania, and an ex-speaker of the Assembly of that colony, was generally credited with being a Tory and in the service of King George. He was a wealthy lawyer of Philadelphia, a friend of Franklin's, and a man of great intellectual ability. He offered in the Congress a plan of union of the colonies very similar to that offered by Franklin in the Albany Congress of 1754. Some believed that Galloway's plan would perpetuate

the dependence of the colonies on the mother-country, but others saw in it only an assurance of peace and greater prosperity. The plan provided for a president-general to be appointed by the crown, and a grand council of representatives to be chosen by the colonial assemblies. The council was to meet annually, and its acts were to be subject to revision by Parliament; while it was to have the right, in turn, to veto the acts of Parliament relative to the colonies, and to have absolute power to regulate the internal police.

Galloway's plan was heartily supported by Jay, Duane, the Rutledges, and others of the conservative element. Patrick Henry made a vehement speech against it, and it was also stoutly resisted by others of the Virginia and Massachusetts delegations. It was finally rejected by a close vote. No mention of it was made in the journal of Congress.

On September 22d it was resolved "that the Congress request the merchants and others in the several colonies not to send to Great Britain any orders for goods, and to direct the execution of all orders already sent to be delayed or suspended, until the sense of the Congress on the means to be taken for the preservation of the liberties of America is made public." On September 27th Congress resolved "that from and after the first day of December next there be no importation into British America from Great Britain or Ireland of any goods, wares, or merchandise whatever, or from any other place of any such goods, wares, or merchandise as shall have been exported from Great Britain or Ireland; and that no such goods, wares, or merchandise imported after the said first day of December next be used or purchased." On September 30th it was resolved "that from and after the 10th day of September, 1775, the exportation of all merchandise to Great Britain, Ireland, and the West Indies ought to cease, unless the grievances of America are redressed before that time."

A committee, consisting of two delegates from each colony, which had been appointed "to state the rights of the colonies in general, the several instances in which these rights are violated or infringed, and the means most proper to be pursued for obtaining a restoration of them," made a report in the form of

resolutions covering the matter. After an animated debate of two days' duration, the resolutions were adopted by the Congress on the 14th of October.

After stating the wrongs done under the obnoxious acts of Parliament, the resolutions recite in the form of a "Bill of Rights" certain "indubitable rights and liberties" of the colonists "which cannot be legally taken from them, altered, or abridged, by any power whatever, without their own consent, by their representatives in the several provincial legislatures."

It was resolved that the colonists "are entitled to life, liberty, and property; and they have never ceded to any sovereign power whatever a right to dispose of either, with or without their consent; that our ancestors, who first settled these colonies, were at the time of their emigration from the mother-country entitled to all the rights, liberties, and immunities of free and natural-born subjects within the realm of England; that by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them as their local and other circumstances enable them to exercise and enjoy; that the foundation of English liberty and of all free government is a right in the people to participate in their legislative council; and as the English colonists are not represented, and, from their local and other circumstances, cannot properly be represented, in the British Parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed; but from the necessity of the case, and a regard to the mutual interests of both countries, we cheerfully consent to the operation of such acts of the British Parliament as are, *bona fide*, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother-country, and the commercial benefits of its respective members, exclud-

ing every idea of taxation, internal or external, for raising a revenue on the subjects in America without their consent."

After enumerating the obnoxious acts of Parliament, the Bill of Rights closed thus:

"To these grievous acts and measures Americans cannot submit, but in hopes their fellow-subjects in Great Britain will, on a revision of them, restore us to that state in which both countries found happiness and prosperity, we have for the present only resolved to pursue the following peaceful measures: 1. To enter into a non-importation, non-consumption, and non-exportation agreement or association; 2. To prepare an address to the people of Great Britain, and a memorial to the inhabitants of British America; and 3. To prepare a loyal address to his majesty."

The first of these measures took the form of articles of union under the title of "The Association of the United Colonies." They were carefully prepared by a special committee, and signed by all the members of the Congress on October 20, 1774. This was the first general union of the colonies and the beginning of the march towards independence.

After a statement of the "grievances and distresses with which his majesty's American subjects are oppressed," the Articles of Association continue as follows:

"To obtain redress of these grievances, which threaten destruction to the lives, liberty, and property of his majesty's subjects in North America, we are of opinion that a non-importation, non-consumption, and non-exportation agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable measure; and, therefore, we do, for ourselves, and the inhabitants of the several colonies whom we represent, firmly agree and associate, under the sacred ties of virtue, honor, and love of our country, as follows:

"That from and after the first day of December next, we will not import into British America, from Great Britain or Ireland, any goods, wares, or merchandise whatsoever, or from any other place any such goods, wares, or merchandise as shall have been exported from Great Britain or Ireland; nor will we, after that day, import any East India tea from any part of

the world ; nor any molasses, coffee, or pimento from the British Plantations or from Dominica ; nor wines from Madeira or the Western Islands ; nor foreign indigo.

“The earnest desire we have not to injure our fellow-subjects in Great Britain, Ireland, or the West Indies, induces us to suspend non-exportation until the tenth day of September, 1775 ; at which time, if the said acts and parts of acts of the British Parliament, before mentioned, are not repealed, we will not, directly or indirectly, export any merchandise or commodity whatsoever to Great Britain, Ireland, or the West Indies, except rice to Europe.”

Provision was made for enforcing the non-importation agreement, and in conclusion the members of Congress, for themselves and their constituents, agreed to adhere to the Articles of Association until the acts of Parliament complained of were repealed.

The “loyal address” to King George, and the addresses to the people of Great Britain and the people of British America, explaining the state of affairs, were prepared by a committee consisting of Richard Henry Lee, Patrick Henry, John Jay, John Adams, John Dickinson, William Livingston, and John Rutledge. They were nearly a month at the work, and in the last part of October reported the addresses, which, after some revision, were adopted unanimously. Lee and Henry are credited with being the authors of the address to the king. It was prepared, however, after full instructions from the Congress. The other addresses were mainly prepared by Adams, Jay, and Dickinson.

The address to the king was very respectful and even affectionate in tone. His most gracious majesty was asked to restore the violated rights of the colonists, “who fly to the foot of his throne, and implore his clemency,” and to give them the freedom they had enjoyed under his royal ancestors. The address said :

“The apprehension of being degraded into a state of servitude, from the pre-eminent rank of English freemen, while our minds retain the strongest love for liberty, and clearly foresee the miseries preparing for us and our posterity, excites

emotions in our breasts which, though we cannot describe, we should not wish to conceal. Feeling as men, and thinking as subjects, in the manner we do, silence would be disloyalty. . . . Duty to your majesty, and regard for the preservation of ourselves and our posterity, the primary obligations of nature and of society command us to entreat your royal attention ; and, as your majesty enjoys the signal distinction of reigning over freemen, we apprehend the language of freemen cannot be displeasing. Your royal indignation, we hope, will rather fall on those designing and dangerous men who, daringly interposing themselves between your royal person and your faithful subjects, and for several years past incessantly employed to dissolve the bonds of society, by abusing your majesty's authority, misrepresenting your American subjects, and prosecuting the most desperate and irritating projects of oppression, have at length compelled us, by the force of accumulated injuries, too severe to be any longer tolerable, to disturb your majesty's repose by our complaints. These sentiments are extorted from hearts that much more willingly would bleed in your majesty's service. . . . We ask but for peace, liberty, and safety. We wish not a diminution of the prerogative, nor do we solicit the grant of any new right in our favor. Your royal authority over us, and our connection with Great Britain, we shall always carefully and zealously endeavor to support and maintain."

In conclusion the king was implored, "as the loving father of your whole people, connected by the same bands of law, loyalty, faith, and blood, though dwelling in various countries," not to suffer "the transcendent relation formed by these ties to be further violated, in uncertain expectation of effects that, if attained, never can compensate for the calamities through which they must be gained."

In the address to the people of Great Britain it was claimed that the American colonists had all the rights of Englishmen. "Be not surprised," it was said, "that we, whose forefathers participated in all the rights, the liberties, and the constitutions you so justly boast of, and have carefully conveyed the same fair inheritance to us, should refuse to surrender them to men

who found their claims on no principles of reason, and who prosecute them with a design, that, by having our lives and property in their power, they may, with the greater facility, enslave you. . . . Are not the proprietors of the soil of Great Britain lords of their own property? Can it be taken away from them without their consent? Will they yield it to the arbitrary disposal of any man, or number of men, whatever? You know they will not. Why, then, are the proprietors of America less lords of their property than you are of yours? Or why should they submit it to the disposal of your Parliament or of any other parliament or council in the world not of their election? Can the intervention of the sea that divides us cause disparity in rights? or can any reason be given why English subjects who live 3000 miles from the royal palace should enjoy less liberty than those who are 300 miles distant from it?"

The address ended as follows: "We believe there is yet much virtue, much justice, and much public spirit in the English nation. To that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independency. Be assured that these are not facts, but calumnies. Permit us to be as free as yourselves, and we shall esteem a union with you to be our greatest glory and our greatest happiness; we shall ever be ready to contribute all in our power to the welfare of the empire; we shall consider your enemies as our enemies, and your interest as our own. But, if you are determined that your ministers shall wantonly sport with the rights of mankind—if neither the voice of justice, the dictates of the law, the principles of the Constitution, nor the suggestions of humanity, can restrain your hands from shedding human blood in such an impious cause, we must tell you that we will never submit to be hewers of wood or drawers of water for any ministry or nation in the world."

The address to the people of British America contained an account of the oppressive measures of Parliament; and, after commending the spirit with which these measures had been resisted, urged the people to persevere in the defence of their rights and to be prepared for any emergency. It was hinted

that an emergency might arise that would put their "constancy severely to the test."

On the 26th of October the First Continental Congress adjourned, after passing a resolution for another congress to be held on May 10, 1775. Its session had been harmonious, although there had been a great diversity of opinion among the delegates, most of whom cherished the hope of a speedy reconciliation with England. The large conservative element restrained the fiery enthusiasm of the radicals like Patrick Henry and Samuel Adams, in the expectation that a conciliatory course would be advantageous. But, as time showed, it had been ordained that the American Colonies could obtain their rights only by the terrible arbitrament of war.



### CHAPTER III


Growth of a Strong National Spirit.—The Whigs and the Tories.—Continued British Oppression.—The Beginning of the Long Struggle for American Independence.—The Battle of Lexington.—Meeting of the Second Continental Congress in the State-house at Philadelphia.—John Hancock chosen President of the Congress.—Preparations for War.—George Washington appointed Commander-in-chief of the Continental Army.—His Modest Speech of Acceptance.—The Battle of Bunker Hill.—A Final Appeal to the King.—The Appeal Rejected.—Congress Advises the Colonies to form Independent Governments.

ALTHOUGH the First Continental Congress had no authority to do anything except "to meet and confer," its measures seemed to have the force of laws. All the colonial legislatures approved of the Articles of Association, and most of the people gave them their entire approbation and scrupulously observed the non-importation agreement. Orders were issued that no goods made in England should be allowed to be landed at any of the colonial ports after the time named in the Articles, but the orders were in some cases not fully obeyed. There was considerable smuggling, and British goods and East India tea were not entirely shut out of the colonies. The union under the Articles of Association produced a strong national feeling, and from New Hampshire to Georgia this feeling appeared to grow rapidly from week to week. Men were proud to call themselves Americans, and the phrase, "We are free-born Americans," was heard on all sides.

During this time the political names of Whig and Tory, which had been used in England for many years, came into use in the colonies. The former name was applied to those who favored resisting British oppression even to the point of separation from the parent country; the latter to those who adhered to the crown and fully respected its authority. Many of the

Tories or Loyalists held lucrative offices by royal favor, and they were not disposed to surrender the profits and advantages accruing from them. Others were opulent merchants or professional men, who laughed at the idea of the thirteen weak colonies without an army or navy entering into a contest with a powerful government like that of Great Britain. The Tories condemned the proceedings of the Continental Congress and severely criticised its leaders. They were not a very large body in proportion to the whole, for the majority of the people were patriotic regardless of consequences; but they caused much disturbance and were a serious drawback to the colonial cause for a long time. They published many pamphlets and cartoons in which the famous patriots were ridiculed; they had loyalist songs hawked in the streets of the principal cities, and in various other ways sought to gain supporters for their side. As a general thing the Whigs, or Patriots as they were often called, held the Tories in silent contempt; but in some instances they assailed them and destroyed their property when their demonstrations went beyond the limit of endurance.

When the addresses prepared by the Continental Congress were brought before the British Parliament, William Pitt, then Earl of Chatham, made a powerful speech in the House of Lords in favor of the Americans. He said: "The way must be immediately opened for reconciliation, or it will soon be too late. His majesty may indeed wear his crown; but the American jewel out of it, it will not be worth the wearing. They say you have no right to tax them without their consent. They say truly. Representation and taxation must go together—they are inseparable. . . . When your lordships look at the papers transmitted us from America; when you consider their decency, firmness, and wisdom, you cannot but respect their cause and wish to make it your own. For myself, I must declare and avow that in all my reading and observation—and it has been my favorite study; I have read Thucydides, and have studied and admired the master-states of the world—that for solidity of reasoning, force of sagacity, and wisdom of conclusion, under such a complication of difficult circumstances, no



nation or body of men can stand in preference to the General Congress assembled at Philadelphia." He urged that the Regulating Act, by which the charter of Massachusetts was virtually annulled, should be repealed, and that the British soldiers be withdrawn from Boston. He afterwards introduced a bill to effect this, and one by which Parliament renounced forever the taxation of the colonies.

Chatham's measures of conciliation did not suit Lord North and his party, who were then in power, and they failed of passage, though urged with force and eloquence. Petitions from the leading merchants of London in favor of the Americans were disrespectfully treated. Franklin and other colonial agents were refused a hearing in the House of Commons. Finally, after long and exciting debates in both houses of Parliament, an address to the king was adopted, which declared that "the Americans have long desired to become independent, and only waited for ability and opportunity to accomplish their design. To prevent this, and to crush the monster in its birth, is the duty of every Englishman; and this must be done at any price and at every hazard."

In order to begin the "crushing" process, Parliament, in February, 1775, declared Massachusetts in rebellion, closed all the New England ports, and prohibited New England fishermen from fishing on the Banks of Newfoundland. The British force at Boston was also largely increased.

In the meantime Massachusetts had organized a large number of minute-men, and held them in readiness to resist any attempt that Governor Gage should make to enforce the obnoxious Regulating Act. In every town in the colony the American soldiers drilled daily; and as many of them were veterans of the French and Indian wars, the patriot army was soon in an efficient condition. In Virginia the militia were made ready for active service under the supervision of Colonel Washington. Only twenty-seven days before the battle of Lexington, in a convention held in Virginia to arrange for putting the colony in a state of defence, Patrick Henry uttered these prophetic words: "The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of

resounding arms!" With thrilling effect he said: "Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty, or give me death!"

On the 19th of April, 1775, occurred the battle of Lexington, where "the embattled farmers stood and fired the shot heard round the world." This was the beginning of the long struggle for American independence.

The battle came about in this wise: Governor Gage had received peremptory orders to arrest Samuel Adams and John Hancock, who had been "talking treason" at certain interdicted meetings of the patriots in Boston, and send them to England to be tried. It was ascertained that they were sojourning at the house of a friend in the village of Lexington; and thither, on the night of April 18th, Governor Gage sent a regiment of his soldiers to take them prisoners and bring them to Boston. The soldiers were also to march to Concord and seize the military stores which had been collected there by the Provincial Congress of Massachusetts. Shortly before midnight the British force secretly left Boston and took the high-road to Lexington. When their departure became known to the patriots in the city, Paul Revere, crossing the Charles River in a small boat, secured a fleet horse and rode at a break-neck gallop through the country by a shorter route, arousing the people at every house he passed. "The regulars are coming! turn out! turn out!" he shouted, as he dashed along in the darkness of the night. In a short time alarm-bells were rung, signal-guns fired, and lights displayed in all that region, showing that the people were preparing to resist the invaders. Revere reached the house where Adams and Hancock were staying about one o'clock in the morning of April 19th, informed them of their danger, and then sped away to Concord to warn the people there, that they might remove the military stores to a place of safety.

When the advance guard of the British, under the command of Major Pitcairn, reached Lexington, it was very nearly dawn. Here they found their progress barred by fifty minute-

men drawn up in battle-array on the village green. Riding up to them Major Pitcairn shouted, "Disperse, you rebels, immediately! Lay down your arms and disperse!" His command not being obeyed, he discharged his pistol at the Americans and ordered his soldiers to fire. The soldiers sent a volley into the ranks of the minute-men, killing eight and wounding ten. The fire was vigorously returned; and then the minute-men, seeing that it would be useless to cope with so large a force (the main body of the British troops having then arrived on the scene of the conflict), slowly retired to the woods, firing as they went. Not finding Adams or Hancock in the village (they having escaped several hours before), the British proceeded to Concord. In this place they burned the court-house and did other damage, in their rage at finding that the military stores had been spirited away, and then turned back towards Lexington.

The force of minute-men, who had been watching the march of the regulars from a hill near the village, had increased to about five hundred, and when it was seen that the enemy had stopped at the North Bridge, it was determined to give them battle. Accordingly, the Americans charged on the regulars and drove them from the bridge. A sort of desultory battle then occurred for a time, in which the British were routed, and at last compelled to flee in great disorder. The minute-men pursued them down the road towards Boston, pouring into them an incessant, galling fire as they fled. All that day the minute-men, who had been reinforced by large numbers from all the country-side, followed the retreating enemy, and from hour to hour there was much irregular fighting. It was sun-down when the demoralized and wellnigh exhausted British troops succeeded in reaching Boston, having left on the way a large number of dead and wounded.

Mounted couriers rapidly carried the news of the battle of Lexington over New England. "War has begun! War has begun!" they cried as they rode from place to place; and back on the wind came the ready response, "To arms, for liberty or death!" The colonial legislatures at once ordered the militia into active service, and shortly after the time that the British

troops had run pell-mell into Boston to escape the vengeance of the patriots, the city was besieged by a large army of colonists.

It was at this juncture that the Second Continental Congress met at Philadelphia, on the 10th of May, 1775. The session was held in the State-house, a spacious two-story brick and stone edifice, with a wooden tower, which had been erected in 1729 for the use of the Pennsylvania Assembly and the provincial courts. After the promulgation of the Declaration of Independence the State-house was re-named Independence Hall, which name it has since retained. The edifice has been carefully preserved, and is to-day in much the same condition as when the Continental Congress occupied it. The hall in the first story, in which the daily sessions of the Congress were held, still contains some of the chairs and tables used by the members.

In the tower of the State-house hung a huge bell, inscribed "Proclaim liberty throughout the land and to all the inhabitants thereof." This bell was originally cast in England and brought to Philadelphia in 1752. In removing it from the vessel it was very much damaged, and it was found necessary to recast it in Philadelphia. The inscription on it was suggested by Isaac Norris, Speaker of the Pennsylvania Assembly. About a year after the historic bell had rung out the glad tidings of American Independence, it was removed from the building and sunk in the Delaware River, to prevent it from falling into the hands of the British when they occupied Philadelphia. It remained in the river until the close of the Revolutionary War, when it was restored to Independence Hall, where it is now, an object of great veneration.

The Second Continental Congress had all the authority and assumed all the functions of a government, the delegates deriving their power from the people acting directly in their sovereign capacity. This "Revolutionary Government," as it was termed, continued until the adoption of the Articles of Confederation in 1781. The President of Congress was considered the Chief Executive of the colonies, and was respected as such.

The Second Congress was composed of nearly the same

members as the first. John and Samuel Adams, Roger Sherman, Patrick Henry, George Washington, John Jay, Richard Henry Lee, and John Dickinson were among the well-known names. Benjamin Franklin, just returned from a sojourn of several years in England, where he had done good service for the colonial cause, was present as a member of the Pennsylvania delegation. With the Massachusetts delegation came John Hancock, the distinguished patriot.

Mr. Hancock was born at Quincy, Mass., in 1737, and was the son of a learned and prominent clergyman. After graduating from Harvard College, he became a merchant in Boston, and before he was thirty years old acquired a large fortune, partly by inheritance. He then retired from business and entered public life, soon becoming "a Whig of the first magnitude," as an ancient biographer says. He was as zealous a worker for the cause of liberty as Samuel Adams, and was called by Governor Gage "Adams's ready and willing tool." Mr. Hancock was a polite, refined, handsome man, fond of fine clothes "embroidered in gold and silver," rich living, and all elegant pleasures. He drove six beautiful bay horses to a "magnificent carriage, such as was then unknown in America." He had been in Congress only a short time when he was chosen president in place of Peyton Randolph, who had been installed in the office at the beginning of the session, but who was obliged to resign on account of ill-health and return to Virginia. At the time that Mr. Hancock was named for the presidency, Benjamin Harrison was also named for it by the Virginia delegation, but he promptly declined, and urged Mr. Hancock's election.

The story is told that Mr. Harrison, who was a man of great size and strength, seeing that President Hancock modestly hesitated to take the chair, seized him in his muscular arms and bore him to the seat of honor as if he were a child, much to the amusement of the Congress. Depositing his precious burden safely, Mr. Harrison said, "Gentlemen, we will show mother Britain how little we care for her by making a Massachusetts man our president whom she has excluded from pardon by a public proclamation."

From the first the session of Congress was mainly occupied with war measures. A report of the battle of Lexington was received from Dr. Joseph Warren, President of the Provincial Congress of Massachusetts, and also reports of the capture of Fort Ticonderoga by Ethan Allen, the Green Mountain soldier and eccentric philosopher, and of Crown Point by Seth Warner, another Green Mountain hero. On the 15th of June a motion was made by John Adams that Congress should adopt the army that had gathered in the vicinity of Boston and appoint a commander-in-chief. Mr. Adams says in his diary, "I rose in my place, and in as short a speech as the subject would admit represented the state of the colonies, the uncertainty in the minds of the people, their great expectation and anxiety, the distresses of the army, the danger of its dissolution, the difficulties of collecting another, and the probability that the British army would take advantage of our delays, march out of Boston, and spread desolation as far as they could go." Mr. Adams's motion was adopted, and Thomas Johnson, of Maryland, then nominated Col. George Washington to be commander-in-chief of the Continental army. In the journal of Congress prepared by Secretary Thomson the following statement regarding this matter is made:

"The next day the President of Congress informed Colonel Washington that Congress had yesterday unanimously made choice of him to be commander-in-chief of the American forces, and requested that he would accept of that employment; to which Colonel Washington, standing in his place, answered:

"Mr. President: Though I am truly sensible of the high honor done me in the appointment, yet I feel great distress from a consciousness that my abilities and military experience may not be equal to the extensive and important trust. However, as the Congress desire it, I will enter upon the momentous duty, and exert every power I possess in their service and for support of the glorious cause. I beg they will accept my most cordial thanks for this distinguished testimony of their approbation. But lest some unlucky event should happen unfavorable to my reputation, I beg it may be remembered by every gentleman in the room that I this day declare, with the utmost



sincerity, I do not think myself equal to the command I am honored with. As to pay, I beg leave to assure the Congress that, as no pecuniary consideration could have tempted me to accept this arduous employment at the expense of my domestic ease and happiness, I do not wish to make any profit from it. I will keep an exact account of my expenses. Those, I doubt not, they will discharge, and that is all I desire.’”

At this time Washington was in his forty-fourth year. On the day he received his appointment he said to Patrick Henry, “This day will be the commencement of the decline of my reputation.”

On the 17th of June Congress issued a commission to General Washington, which began as follows: “We, reposing special trust and confidence in your patriotism, valor, conduct, and fidelity, do by these presents constitute and appoint you to be general and commander-in-chief of the army of the united colonies, and of all the forces now raised or to be raised by them, and of all others who shall voluntarily offer their services and join the said army for the defence of American liberty and for repelling every hostile invasion thereof; and you are hereby vested with full power and authority to act as you shall think for the good and welfare of the service.” The delegates also resolved unanimously that they would maintain and assist Washington, and “adhere to him with their lives and fortunes in the same cause.”

Coincident with this important event in Congress was an important event in Massachusetts—the battle of Bunker Hill. Ever since the conflict at Lexington the militia of New England had kept the British troops penned up in Boston. The lines of the Americans extended in a huge semicircle for twenty miles, and the total number of men engaged in the siege was estimated at about sixteen thousand. They were under the command of Gen. Artemas Ward, a Massachusetts soldier of considerable reputation. His headquarters were at Cambridge, where the buildings of Harvard College were placed at his disposal. In the latter part of May the enemy received a large reinforcement from England, increasing their number to 10,000 men. It was now determined by the British generals, among

whom were Howe, Burgoyne, and Clinton, to occupy some of the hills in the vicinity of Boston in order to prevent them from being occupied by the Americans, who could from these elevations shell the city and the ships of war in the harbor. The Americans, learning of this plan, resolved to forestall the British.

Accordingly, during the night of June 16th a force of 1200 patriots, commanded by Colonel Prescott, left Cambridge with orders to take possession of and fortify Bunker Hill, in Charlestown. Arriving on the hill, Prescott thought it would be better to proceed to Breed's Hill, which was separated from Bunker Hill by a long ridge. On Breed's Hill the patriots threw up rude earthworks, which were discovered by the enemy early the next morning. The British ships of war at once opened fire on the works, and until afternoon kept up an incessant cannonade, without, however, doing any serious damage to the intrenched Americans. When it was found that the cannonade had little or no effect, 3000 British soldiers, the flower of the army, were despatched from Boston to carry the hill by assault. During the day the Americans had been reinforced by two regiments commanded by General Putnam.

The British columns, under the command of General Howe, advanced steadily up the hill, the officers shouting to the men that they would soon send the rustic soldiers fleeing. They were permitted to come within fifty feet of the works, when, suddenly, a raking, deadly fire was opened on them by the Americans. The splendid line of redcoats bravely held together for a while under the terrible shower of bullets, and then broke in utter confusion. They were rallied and again urged to the attack, and again were they driven back with a tremendous loss of life. After a long interval the third attack was made, and this time it was successful, as the ammunition of the Americans had given out, and they were, in consequence, forced to retreat, leaving the British in full possession of the hill.

Although the Americans retreated, the battle was everywhere considered almost the same as a victory for them. They had gallantly held the enemy in check, and had demonstrated beyond a doubt that the New England militia were fully the

equals in fighting qualities of the British veterans, and were formidable foes. It had been customary for the British and their supporters, the Tories, to speak in contempt of the American soldiers; but after the battle of Bunker Hill, in which one-third of the British force was killed and wounded, the words of contempt were heard no more.

The news of the battle of Bunker Hill reached General Washington while he was on his way to Cambridge to take command of the Continental army. Congress immediately directed him to put the army in an efficient condition, and began to make extensive preparations for war. A committee was appointed "to devise ways and means" to enlist the militia of the several colonies for the defence of America. Artemas Ward, Charles Lee, Philip Schuyler, and Israel Putnam were commissioned major-generals, and Horatio Gates, adjutant-general. Regulations for the army were adopted and military supplies ordered. To defray the war expenses, an issue of bills of credit to the amount of \$2,000,000 was authorized. This paper money, for which "the confederated colonies" were pledged, was called "Continental currency."

Congress, on July 6, 1775, published a dignified manifesto, in which were given "the causes and necessity" for the taking up of arms by the colonies. The manifesto was ordered read to the army and proclaimed in the towns and cities. After a clear, detailed statement of the "accumulated and unexampled outrages" the colonies had suffered, the manifesto concluded as follows:

"We are reduced to the alternative of choosing an unconditional submission to the tyranny of irritated ministers, or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery. Honor, justice, and humanity forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning succeeding generations to that wretchedness which inevitably awaits them if we basely entail hereditary bondage upon them.

“Our cause is just. Our union is perfect. Our internal resources are great, and, if necessary, foreign assistance is undoubtedly attainable. We gratefully acknowledge, as signal instances of the Divine favor towards us, that His providence would not permit us to be called into this severe controversy until we were grown up to our present strength, had been previously exercised in warlike operations, and possessed of the means of defending ourselves. With hearts fortified with these animating reflections we most solemnly, before God and the world, declare that, exerting the utmost energy of those powers which our beneficent Creator hath graciously bestowed upon us, the arms we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties, being, with one mind, resolved to die freemen rather than live slaves.”

On the same day that the manifesto was issued, Congress authorized another address to be sent to King George, imploring him in loyal and humble terms to do justice to the colonies. This was done to satisfy the few conservatives, headed by John Dickinson, who believed that one more effort should be made for reconciliation with Great Britain. Some strong arguments were presented for the adoption of this course. John Jay, in a forcible speech, maintained that if people were called upon to take up arms against the king, “they ought to be persuaded that such a measure was unavoidable; and should it be found necessary to separate from Great Britain, the conviction that no proper efforts to prevent such an event had been omitted would reconcile the consciences of many to a course of conduct which would otherwise be inconsistent with their oaths of allegiance.”

Mr. Dickinson wrote the address, and advocated it even more zealously than Mr. Jay did. At first the greater number of the delegates were much opposed to this “token of humility,” this “measure of imbecility,” as the address was designated. Bitter and sarcastic speeches were made against it by the radicals. They said it was absurd, after two battles had been fought on American soil and extensive preparations made

for war, to send such an address to the king. But, finally, they yielded and the address was prepared. This concession was made because the radicals saw that Mr. Dickinson had set his heart upon the matter, and as they all highly esteemed him for his purity and integrity, and for his distinguished services to the colonial cause, they concluded to gratify him by adopting his "Olive Branch," as he called it. The patriotic colonists received the address with some astonishment, but they had great confidence in the wisdom of Congress and few unkind comments were made.

Several months elapsed before the fate of the address was known. Meanwhile Congress issued more paper money to pay the cost of its army in Massachusetts, arranged for military supplies from France, and generally continued its war preparations, thus showing an entire lack of faith in reconciliation with Great Britain at this late hour.

In Cambridge General Washington was earnestly working to form a thoroughly efficient army out of the 16,000 poorly disciplined men who constituted his command, and at the same time was closely watching the British soldiers shut up in Boston. When his army should be in a satisfactory condition, he intended to force the British to action or drive them to their ships by shelling the city. He advised the two expeditions to Canada which Congress ordered about this time. The Canadian colonies, although strongly urged to, would not join with the other colonies in America in resisting Great Britain; and, as it was believed that they contemplated an invasion of the Northwestern frontier, means were taken to prevent it.

In September, 1775, the colony of Georgia sent as delegates to Congress Archibald Bullock, John Houston, John J. Zubly, Noble Wimberly Jones, and Lyman Hall. As the colonies were now, for the first time, all represented in Congress, the title, "The Thirteen United Colonies," was assumed. Michael Hillegas and George Clymer were appointed treasurers of the colonies, with headquarters at Philadelphia. Benjamin Franklin was appointed postmaster-general with a salary of \$1000 a year. He was authorized to open an office in Philadelphia, to

appoint his own assistants, and to establish "a line of posts from Falmouth, in New England, to Savannah, in Georgia, with as many cross-posts as he shall think fit."

As the British war-ships cruising on the New England coast were committing serious depredations on American commerce, authority was given by Congress "to fit out armed vessels" to capture the ships of the enemy. These privateers soon appeared, and, as a writer of the time says, "alert and bold, they visited every sea, and annoyed British commerce, even in the very waters of their own island."

Congress also ordered the establishment of a "navy of the United Colonies," to be commanded by Admiral Esek Hopkins, of Rhode Island. The navy was to consist of five ships of thirty-two guns, five of twenty-eight, and three of twenty-four—the whole to cost nearly a million dollars. The pay of the naval force was to range from admiral at \$125 a month, and commander at \$35 a month, to able seamen at \$6. Divine service was to be held twice a day on board ship. If any one were "heard to swear, curse, or blaspheme the name of God," he was to be "punished by wearing a wooden collar or some other shameful badge of distinction." If the offender were a commissioned officer, he was to forfeit one shilling for each offence; if a seaman, he was to forfeit sixpence. For any violation of the rules of discipline, seamen were to be punished by "twelve lashes upon the bare back with a cat-o'-nine-tails."

There is no record in the journals of Congress of what was provided for the members of the navy to eat, but an account is given of the army ration. It was ordered that each soldier was to have daily one pound of beef or three-quarters of a pound of pork or one pound of salt fish; one pound of bread or flour, one pint of milk, and one quart of spruce-beer or cider. Sugar, molasses, and candles were also provided. He was to have weekly one-half pint of rice or one pint of Indian meal. His uniform was to be paid for "by stopping out of" his monthly stipend of \$6.66 the sum of \$1.66. It is recorded that "a soldier who brings a good blanket to camp should be allowed \$2 for its use, and he may take it away at the close of the campaign."

On the 20th of March, 1776, a letter was received by Congress from General Washington, announcing that on the 17th of that month the British had evacuated Boston, and sailed to the north in their ships. Congress thereupon passed a resolution of thanks to Washington and the officers and soldiers under him "for their wise and spirited conduct in the siege and acquisition of Boston"; and it was ordered that "a gold medal be struck in commemoration of this great event," and presented to Washington. The American army had compelled the evacuation of Boston by mounting heavy siege guns on Dorchester Hill, and threatening a bombardment of the city. The British had attempted to drive the Americans from their intrenchments on the hill, but without success, and therefore were forced to flee.

In connection with the threatened bombardment of Boston, it is related that when Washington consulted with Congress as to its propriety, a motion was made to go into committee of the whole to enable President John Hancock to give his opinion, as he was personally interested in the matter. Mr. Hancock left the chair, and, addressing the chairman of the committee, said, "It is true, sir, that nearly all I have in the world is in the city of Boston; but if the expulsion of the British troops and the liberty of my country demand that my buildings be burned to ashes, issue the order and let the cannon blaze away."

At length the news came from England that the second address to King George had been not only rejected by him, but treated with scorn and contempt. In his speech at the opening of Parliament, the king had declared that the colonists should be considered as rebels and traitors, whose only object in taking up arms was to found a new empire on the American Continent. To compel their obedience to the crown, he advocated the severest measures. Parliament responded to the king's sentiments by declaring the colonies in rebellion and prohibiting all trade with them. Authority was given to capture American vessels, and to treat the crews "not as prisoners, but as slaves." It was decided to send 25,000 British troops to America, and also 17,000 Hessians that the Landgrave of Hesse-Cassel,

in connection with other petty German princes, had agreed to furnish for a large monetary consideration. With this force it was deemed an easy matter to quell the colonial revolt.

There was an outburst of indignation throughout the thirteen united colonies when it was learned that foreign mercenaries had been secured to fight the Americans, and conservatives joined hands with radicals in preparing to give the invading army a "warm" reception. Congress adopted articles of war, extended its military and naval work, advised the colonies, "where no government sufficient to the exigencies of their affairs hath been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular and America in general"; and day by day discussed the momentous question of separation from the mother-country.



## CHAPTER IV

Separation from Great Britain.—Wide-spread Discussion of the Matter.—A Strange Delay in Congress.—*Common Sense*, Thomas Paine's Celebrated Pamphlet Advocating Separation.—Virginia Instructs her Congressmen to Begin the Important Movement.—Richard Henry Lee's Resolutions for Independence.—A Strong Opposition Developed.—Some forcible Speeches.—Congress Decides for Independence.—Thomas Jefferson Selected to Prepare a Draft of the Declaration of Independence.—His Declaration Agreed to After an Extended Debate.—Its Promulgation and Enthusiastic Reception by the People.

DURING the spring of 1776 the advocates of American independence increased rapidly. Not only were they numerous in Massachusetts and Virginia, the most radical of the colonies, but in New York and Pennsylvania, where the Tory element was larger than elsewhere, could be found no small number of enthusiastic believers in the bold measure. In every part of New England the people were largely in favor of throwing off the British yoke; while in the South, outside of Virginia, it was evident that any movement that should be made towards this end would be heartily supported. The Virginians were so enthusiastic for separation that their strong feeling seemed to impregnate the other Southern colonies, and produce a greater amount of patriotism than, it is likely, would otherwise have been the case. In Congress, however, most of the delegates were rather disposed to allow the Ship of State to drift awhile before heading her for the strange, new port of Independence. They counselled delay when their constituents urged immediate action.

Singular as it may now seem, there were many congressmen who could not be brought to understand that there was any prevalent desire among the colonists to renounce the dominion of the crown. They thought the greater number

simply wished to establish their constitutional rights as British subjects, being willing even to shed their blood for the attainment of this object; but that they seriously entertained the idea of separating from the parent country and establishing an independent republic, they did not believe. Even Washington had said, not many months before, "I am well satisfied that no such thing as independence is desired; on the contrary, that it is the ardent wish of the warmest advocates for liberty that peace and tranquillity, on constitutional grounds, may be restored and the horrors of civil war prevented." And Franklin, just before leaving England, had informed Lord Chatham that the colonies had "no idea of setting up an independent government." In fact, it may be said that Samuel Adams, Richard Henry Lee, Patrick Henry, and Christopher Gadsden were about the only prominent patriots who had advocated separation from the very beginning of the trouble with Great Britain. They were considered too radical, however, and their views for a long time made very little impression.

But after the rejection of the second address to the king there was a decided change of sentiment in regard to separation. The fact that an army of hirelings was coming to try to subjugate the colonies caused many of those who had previously opposed separation to be earnestly in favor of it, and to urge that it be declared speedily. The timid and the indifferent and the indolent members of Congress suddenly began to look at the matter with a better understanding of the public feeling. A prominent Tory said to a congressman, "You have all gone far enough to be treated as rebels, and may expect to be in a state of pendency [that is, to be hanged] whether you declare for independency or not." George Mason, the eloquent and patriotic Virginian, said, "When the last dutiful and humble petition from Congress received no other answer than declaring us rebels and out of the king's protection, I, from that moment, looked forward to a revolution and independence." The principal topic of the country was independence, and in every patriotic home it was earnestly discussed. The newspapers contained long essays upon it, and pamphlets devoted to the subject appeared by the dozen.

The most important of the pamphlets was one entitled *Common Sense*, which was published in Philadelphia in January, 1776, and had a large circulation throughout the country. The author was Thomas Paine, at this time the editor of the well-known *Pennsylvania Magazine*. Mr. Paine was born in England in 1737, and had come to America in 1774 by the advice of Franklin, who had met him in London and had been greatly attracted to him by reason of his literary ability. Franklin gave to Mr. Paine letters of introduction to friends in Philadelphia, and with these letters the gifted writer soon obtained a substantial footing in the Quaker City. He made the acquaintance of Dr. Benjamin Rush, a rich young physician and ardent patriot, who subsequently entered Congress and was one of the signers of the Declaration of Independence; and the doctor, being at the time very enthusiastic about separation from England, suggested to Mr. Paine that he should prepare a pamphlet on the subject. Mr. Paine consented, and wrote the work hastily at Dr. Rush's residence. He intended to call it *Plain Truth*, but Dr. Rush suggested *Common Sense*, and with this title it appeared and immediately obtained remarkable popularity. In the pamphlet Mr. Paine argued in plain language that every one could understand the need and the advantage of separating from the mother-country. He demonstrated the entire practicability of the act, and showed that nothing short of it would be likely to bring a lasting peace and prosperity to the colonies.

The pamphlet is said to have converted thousands and brought them to desire American independence. "It did wonders, worked miracles," one writer says. It made Mr. Paine's reputation, and gained for him the admiration and friendship of the leading colonists. Afterwards he published a small periodical called *The American Crisis*, in aid of the patriot cause. The first number of this periodical began thus: "These are the times that try men's souls." Mr. Paine served for a few months in the American army during the Revolutionary War, and for a short term was also secretary of the Congressional Committee on Foreign Affairs.

In the early part of 1776 some of the colonies, acting on the

advice of Congress to disregard the authority of the crown, established independent governments of the people. In the other colonies the crown officials still held sway, but their authority was waning, and it was evident that it must soon cease.

After waiting in vain for a long time for Congress of its own volition to declare for independence, Virginia instructed her congressmen to introduce such a measure. Accordingly, on the 7th of June, 1776, Richard Henry Lee, the chairman of the Virginia delegation, offered the following resolutions in Congress:

*“Resolved*, That these United Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.

*“Resolved*, That it is expedient forthwith to take the most effectual measures for forming foreign alliances.

*“Resolved*, That a plan of confederation be prepared and transmitted to the respective colonies for their consideration and approbation.”

In offering the resolutions Mr. Lee made an exceedingly eloquent speech. He spoke of the rights of the colonists which had been violated again and again by the imperious motherland, and of their ability to wage a war for independence. In glowing words he urged that immediate action be taken on the resolutions. “Why still deliberate?” he said. “Let this happy day give birth to an American republic. Let her arise, not to devastate and conquer, but to re-establish the reign of peace and law.”

John Adams also spoke in favor of immediate action; but as there was some important army business to be attended to that day, Congress decided to postpone the consideration of Mr. Lee’s resolutions until the following day (Saturday), when they were taken up and debated earnestly.

A strong opposition to independence was developed during this debate. The leading opponents were John Dickinson, John Jay, Edward Rutledge, and Robert Morris, the last-named a rich

merchant of Philadelphia, who had been in Congress for a few months. They and others argued with much force that the colonists were in no way prepared for what was likely to be a long and severe contest with Great Britain, which was powerful on land and sea; that they had no well-organized army or navy, no sufficient supply of munitions of war or any way of getting a supply. Moreover, nothing was known as to the course likely to be pursued by France and other European nations in regard to this matter. Mr. Morris thought the measure would inevitably dissolve the colonial union, as he did not believe one-half of the colonies would ratify it. Mr. Dickinson pleaded for more time to try to effect a reconciliation with England; and Mr. Jay, echoing this plea, maintained that conciliatory measures would be far better for all concerned.

For independence spoke up earnestly Lee and Henry and the Adamses, Franklin, Jefferson, Sherman, and others who firmly believed that any other action at this time would be highly detrimental to the colonial interests. They urged Congress to respect the will of the people; for it was quite evident, they affirmed, despite the opinions of some of the delegates, that in all sections of the land the majority of the colonists were in favor of independence, and would heartily support such a measure. The debate was continued all day and at times was very animated. Unfortunately, only fragmentary statements of it have been preserved. At last the matter was postponed until the following Monday.

The journal of Congress of Monday, June 10, 1776, says:

“Agreeable to order, the Congress resolved itself into a committee of the whole, to take into their further consideration the resolutions to them referred; and, after some time spent thereon, the president resumed the chair and Mr. Harrison reported that the committee have had under consideration the matters referred to them, and have come to a resolution thereon, which they directed him to report.

“The resolution agreed to in committee of the whole being read,

“*Resolved*, That the consideration of the first resolution be postponed to Monday, the first day of July next; and in the

meanwhile, that no time be lost, in case the Congress agree thereto, that a committee be appointed to prepare a Declaration to the effect of the first resolution, which is in these words: 'That these United Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.' "

On the following day it was resolved that the committee to prepare the Declaration should consist of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston. As Richard Henry Lee was obliged to return to Virginia at once on account of the serious illness of his wife, he was not, by his request, appointed a member of this committee, as he should have been by parliamentary usage, being the author of the resolution for independence.

Thomas Jefferson, who was chosen chairman of the select committee on the Declaration, was elected to Congress from Virginia in place of Peyton Randolph, who had resigned. Mr. Jefferson had been a member for less than a year, but in that short time had won a distinguished position. He was born at Shadwell, Va., on April 2, 1743, his father being a well-educated, public-spirited, opulent planter of Albemarle County. He received a collegiate education and adopted law as his profession. When he was twenty-six he became a member of the Virginia Assembly. He married Martha Skelton, a charming and wealthy young widow of good family, and shortly after his marriage went to live on his beautiful estate known as Monticello, which in after-years became nearly as famous as Mount Vernon, the home of Washington. Mr. Jefferson entered Congress on June 21, 1775, and was warmly greeted, as he had at this time an extensive reputation as the author of a series of patriotic essays "full of genuine American sentiment," and the leading patriots from other sections of the country were desirous of making his acquaintance. He was not gifted as an orator and seldom spoke in Congress, but he performed a great deal of important committee work with discretion and untiring energy. Always very agreeable, always courteous, this tall,

slim, refined young Virginian, with "yellowish-red hair" and a face with a "sunny aspect," soon became one of the most popular congressmen.

John Adams tells how Mr. Jefferson came to be selected to prepare the Declaration of Independence. "The committee had several meetings," he says, "in which were proposed the articles of which the Declaration was to consist, and minutes were made of them. The committee then appointed Jefferson and me to draw them up and clothe them in a proper dress."

The question now arose as to whether Mr. Adams or Mr. Jefferson should prepare the draft of the document. Mr. Adams states that Mr. Jefferson desired him to take the minutes to his lodgings and do the work. "This I declined for several reasons," he says. "I had a great opinion of the elegance of his pen and none at all of my own. I therefore insisted that no hesitation should be made on his part. He urged me again to make the draft. I said, 'I will not.' 'You should do it.' 'Oh, no.' 'Why will you not? You ought to do it.' 'I will not.' 'Why?' 'Reasons enough.' 'What can be your reasons?' 'Reason first, you are a Virginian, and a Virginian ought to appear at the head of this business. Reason second, I am obnoxious, suspected, unpopular. You are very much otherwise. Reason third, you can write ten times better than I can.' 'Well,' said Jefferson, 'if you are decided, I will do as well as I can.' 'Very well. When you have drawn it up, we will have a meeting.'"

Mr. Jefferson set at work at once in his lodgings in Philadelphia, and within a short time completed the draft of the immortal document. After a few verbal corrections by Adams and Franklin the draft was presented to the full committee. Mr. Adams says: "It was read, and I do not remember that Franklin or Sherman criticised anything. We were all in haste. Congress was impatient, and the instrument was reported in Jefferson's handwriting as he first drew it."

On Monday, the 1st of July, the day appointed for the consideration of Lee's resolution respecting independence, Congress took up the matter. After a debate lasting "nine hours, until evening, without pause or refreshment," as Mr. Jefferson

has recorded, further consideration of the resolution was postponed, "at the request of a colony," until the following day. During this extended debate, of which very little has been preserved, John Adams spoke of the justice, necessity, and advantage of immediate separation from Great Britain, and Mr. Dickinson of the desirability of making further efforts to effect a compromise.

Afterwards, in writing about Lee's resolution, Mr. Jefferson said: "John Adams was the pillar of its support on the floor of Congress — its ablest advocate and defender against the multifarious assaults it encountered. He was our Colossus on the floor, not graceful, not elegant, not always fluent in his public addresses; yet he came out with a power, both of thought and expression, that moved us from our seats."

The first thing that Congress did on Tuesday, the 2d of July, was to pass the resolution under consideration the day before. The strong opposition exhibited at first had diminished, and the resolution was passed by the votes of twelve colonies. The delegates from New York, although they were in favor of the resolution, did not vote. They had not received any instructions from the legislature of their State in regard to this matter, and therefore "asked leave to withdraw from the question, which was given them." The resolution declared the United Colonies free and independent states, and dissolved all political connection with Great Britain.

Congress having thus declared for independence, resolved that on the next day, the 3d, it would go into committee of the whole to "consider the draft of the Declaration of Independence, or form of announcing it to the world," which had been reported on June 28th from the special committee.

The sessions of the 3d and 4th of July were entirely devoted to the Declaration. Mr. Jefferson's draft was subjected to so close and critical an examination that the author expressed himself as being afraid there would be nothing left of it but the mere skeleton. Each allegation, each statement of principles, each phrase even, was dissected by the keen minds there assembled, who were very desirous of giving to the world an instrument that would stand the test of the severe, hostile criticism sure to



follow its publication. There were some verbal alterations, a little condensation, and a few important changes, which were made in order to harmonize certain conflicting interests. In regard to this, Mr. Jefferson says in his "Memoirs": "The pusillanimous idea that we had friends in England worth keeping on terms with still haunted the minds of many. For this reason those passages which conveyed censure on the people of England were struck out lest they should give them offence. The clause, too, reprobating the enslaving the inhabitants of Africa was struck out in compliance to South Carolina and Georgia, which had never attempted to restrain the importation of slaves, and which, on the contrary, wished to continue it."

The slavery clause alluded to by Mr. Jefferson was as follows: "He [King George] has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people, who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian King of Great Britain. Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them by murdering the people on whom he also obtruded them; thus paying off former crimes committed against the liberties of one people, with crimes which he urges them to commit against the lives of another."

About two o'clock in the afternoon of the 4th of July—that glorious day ever to be commemorated by Americans—the committee of the whole finished the consideration of the Declaration, and it was reported to the Congress by Benjamin Harrison, the chairman of the committee. The Declaration was then read by Secretary Thomson, and was agreed to.

In beginning the Declaration stated as a great fundamental truth that "all men are created equal; that they are

endowed by their Creator with certain unalienable rights; that among them are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

It was maintained that the "long train of abuses and usurpations" on the part of Great Britain evinced a design to establish an absolute tyranny over the colonies, and, therefore, they were constrained to alter their system of government. After reciting the many grievous acts of the king, the Declaration asserted that "a prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people."

"Nor have we been wanting in our attentions to our British brethren," the Declaration continued. "... We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connection and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war; in peace, friends."

The Declaration closed as follows:

"We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power

to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.” \*

The Declaration, it is stated by Mr. Jefferson, was signed in Congress on the 4th of July "by every member present except Mr. Dickinson." When President Hancock affixed his conspicuous signature to the document he laughingly said, "There! I think old Mother Britain can see that without her spectacles!" On the 8th of July a copy of the Declaration signed by President Hancock and attested by Secretary Thomson was sent to each of the colonial assemblies with the following letter:

“PHILADELPHIA, July 8th, 1776.

“GENTLEMEN,—Although it is not possible to foresee the consequences of human action, yet it is nevertheless a duty we owe ourselves and posterity, in all our public councils, to decide in the best manner we are able, and to trust the event to that Being who controls both causes and events so as to bring about his own determinations. Impressed with this sentiment, and at the same time fully convinced that our affairs may take a more favorable turn, the Congress have judged it necessary to dissolve all connection between Great Britain and the American colonies, and to declare them Free and Independent States, as you will perceive by the enclosed Declaration, which I am directed by Congress to transmit to you, and to request you will have it proclaimed in your colony in the way you shall think most proper. The important consequences to the American States from this Declaration of Independence, considered as the ground and foundation of a future Government, will naturally suggest the propriety of proclaiming it in such a manner as that the people may be universally informed of it.

"I have the honor to be, gentlemen, your most obedient and very humble servant.

“JOHN HANCOCK, President.”

The Declaration was published in the *Evening Post*, of Philadelphia, on the 8th of July, and shortly thereafter appeared in the other American newspapers. At noon, on the 8th, it was publicly read from a high platform in the yard of the State-house in Philadelphia, by John Nixon, a member of

\*For the full text of the Declaration of Independence, see Appendix A.

the Pennsylvania Council of Safety ; and as his clear voice uttered the stirring sentences there were now and then enthusiastic cheers from the vast assemblage present. After the reading the huge bell in the tower of the State-house rang out jubilant peals.

Many years later, John Harmer, a veteran soldier of the Revolution, who had heard Nixon read the Declaration, and had listened with high delight to the ringing of the State-house bell, said :

“ Ah ! that’s the trumpet that told the Britishers a tale of vengeance ! I can recollect the day that old bell was rung for independence. Everybody was expecting the king’s troops would be coming here soon, and would sack and burn the place ; but the largest number of us were patriots and knew the king was a tyrant, and so we did not care much whether he came or not. How the people did crowd around the State-house on the day the Declaration was proclaimed ! Bells were rung all over town and guns were fired, but above them all could be heard the heavy, deep sound of this old bell, that rang as if it meant something.”

In each of the thirteen newly created states the Declaration was received with joyous demonstrations. Church-bells were rung, cannon were fired, the militia paraded, and there were fireworks and grand illuminations. The legislatures heartily indorsed the Declaration, and agreed to ratify any measures Congress might find necessary in carrying it out ; and the majority of the people everywhere gave it full and cordial support.

On the 19th of July Congress passed a resolution to have the Declaration engrossed on parchment and signed by every member. The journal of Congress of August 2, 1776, says, “ The Declaration being engrossed and compared at the table, was signed by all the members.” Afterwards, for several months, new members of Congress were allowed to sign.

It is related that when the members assembled at the secretary’s table to sign the parchment on the 2d of August, President Hancock said to them, “ We must be unanimous ; there must be no pulling different ways ; we must all hang together.”

“Yes,” remarked Franklin quickly; “we must all hang together, or most assuredly we shall all hang separately.”

After Elbridge Gerry, who was a slender man, had affixed his signature, the large-framed Harrison said to him, “When the hanging-time comes, I shall have the advantage of you; I am so heavy, it will be all over with me in a minute, but you will be kicking in the air half an hour after I am gone.”

In January, 1777, attested copies of the Declaration, with the names of all the signers, were sent by Congress to the thirteen states to be recorded in their archives. The Declaration was also printed on a large sheet called a “broadside,” and publicly circulated everywhere.

## CHAPTER V

Congress during the War of the Revolution.—The Faithful Services of Patriotic Men.—Various War Measures.—Large Issues of Bills of Credit.—Depreciation of the Continental Currency.—How Congress Obtained its Authority.—Treaty with France.—French Soldiers and Sailors Aid the Americans.—Extraordinary Power Conferred on General Washington.—Adoption of an American Flag.—Migrations of Congress to Escape Capture by the British.—Lengthy Discussion of a Plan of Confederation.

THERE was a long and severe struggle before the independence of the United States was achieved. The war of the Revolution, which began with the battle of Lexington, on April 19, 1775, and virtually finished with the surrender of Lord Cornwallis at Yorktown, on October 19, 1781, was carried on by the Americans under great disadvantages. When we examine that strangely unequal contest by means of the pages of history, we cannot help wondering that the forces of England—strong, thoroughly equipped, generally well managed—did not in a few months destroy the puny, badly disciplined, half-clothed, and half-starved Continental army, and coerce the rebellious colonies to return to their allegiance. With everything against them, the Americans fought as only heroes can fight, and finally won the arduous struggle after a display of noble valor and patient endurance such as the world has rarely seen.

It is not the purpose to describe the events of the Revolution, except where Congress was connected with them. In the early part of the war there were many periods of great depression, as the American arms were not often victorious. The Continental Congress at this time contained many of the distinguished men who had given the country the benefit of their wisdom and experience during all the years of protesting against

the oppressions of England; and now that independence had been declared and war actually entered upon, they sacrificed their personal interests, and gave freely of their time and means to advance the patriot cause. They were environed with difficulties which required their best efforts to meet, but they never appeared to lose hope or courage, and held to their course undismayed. The army had constantly to be supplied with great quantities of provisions and clothing and munitions of war, and recruits had to be secured to take the places of the soldiers disabled in battle. Congress was the only body that possessed any authority to govern the country and to prosecute the war, and, consequently, it had to devise all the ways and means necessary to meet the obligations and exigencies constantly arising. A great deal of money had to be raised, and as Congress could not levy direct taxes, it had to resort to forced loans. Bills of credit for large amounts were issued almost daily, until at one time there was in circulation more than two hundred million dollars of this unsubstantial "Continental currency," as it was called. This paper money at last became so greatly depreciated that it was said "four months' pay of a private in the army would not procure his family a single bushel of wheat, and the pay of a colonel would not purchase oats for his horse." Congress also established a lottery, issued commissary and quarter-master certificates and interest indents, obtained foreign loans, and in various other ways provided for the sustenance of the American army and navy.

The authority of the Continental Congress at this period is thus clearly defined by James A. Garfield in one of his works:

"By the Declaration of Independence the sovereignty of the colonies was withdrawn from the British crown and lodged in the Continental Congress. No one of the colonies was ever independent or sovereign. No one colony declared itself independent of Great Britain; nor was the Declaration made by all the colonies together as colonies. It was made in the name and by the authority of the good people of the colonies as one nation. By that act they created, not independent States, but an independent Nation, and named it 'The United States of America'; and, by the consent of the people, the sovereignty of the

new nation was lodged in the Continental Congress. This is true not only in point of law, but as an historical fact. The Congress became the only legislative, executive, and judicial power of the nation; the army became the army of the Continental Congress. One of its regiments, which was recruited from the nation generally, was called 'Congress's Own,' as a sort of reply to the 'King's Own,' a royal regiment stationed at Boston. Officers were commissioned by Congress, and were sworn to obey its orders. The President of Congress was the chief executive officer of the nation. The chairmen of committees were heads of the executive departments. A committee sat as judges in admiralty and prize cases. The power of Congress was unlimited by any law or regulation, except the consent of the people themselves."

As Congress desired to induce France to espouse the American cause, it appointed three commissioners to the French court in the persons of Benjamin Franklin, Silas Deane, and Arthur Lee. The commissioners were instructed to procure military supplies, to obtain a loan of \$2,000,000, and to do all they could to induce the French government to recognize the independence of the United States and to give them a helping hand. At first nothing could be done towards an alliance, as France, jealous of England, was glad to have her engaged in a war which would doubtless be a long one, and which would necessarily waste her resources and diminish her commercial power. Moreover, the French ministry had very little confidence in the ultimate success of the Americans. Many secret promises were made to the commissioners, but nothing came of them until after the capture by General Gates of Burgoyne's army at Saratoga on the 17th of October, 1777. This great victory for the Americans, the first of any importance, caused a profound sensation in Europe, and was accepted as good evidence that England could not conquer the United States. It induced the French court openly to declare in favor of the Americans. On the 6th of February, 1778, by a formal treaty, France acknowledged the Independence of the United States, and within a short time thereafter French troops and ships of war and French officers of high rank and noble families, among



whom were Lafayette and Rochambeau, came to America to take part in the war. Congress made Lafayette a major-general of the Continental army; and Washington, conceiving an ardent affection for the gallant young marquis, who had left wealth and honors at home to share the hardships and dangers of the patriots in their struggle for existence as a nation, received him into his family almost as a son, and to the end of his life regarded him with something like parental fondness.

In order to have a more efficient army, and to carry on the war more advantageously, Congress, in December, 1776, invested Washington with extraordinary powers in addition to those conferred on him as commander-in-chief. This additional authority made him for many months a sort of military dictator, but there is no record of any instance where he abused his power. He had absolute power, it is stated, "to levy and organize sixteen battalions of infantry, in addition to those already ordered, and to appoint their officers; to raise and equip three thousand light-horse, three regiments of artillery, and a corps of engineers, and to establish their pay; to call into service the militia of the several states; to displace and appoint all officers under the rank of brigadier-general, and to fill up all vacancies in every department of the army; to take whatever he might want for the use of the army at his own price, even if its sale should be refused; and to arrest and confine persons who should refuse to take Continental money."

On June 14, 1777, Congress resolved that "the flag of the thirteen United States shall be thirteen stripes, alternately red and white; that the union shall be thirteen stars, white in a blue field, representing a new constellation." This flag was at once unfurled by General Washington, and took its place as the American standard.

From December 20, 1776, to July 2, 1778, the sessions of Congress were held first in Baltimore, and then in Philadelphia, Lancaster, and York, a return being made to Philadelphia on the last-named date. Congress was compelled to go from place to place to avoid capture by the British troops.

For many months Congress had been considering, at intervals, "a form of confederation to be entered into between the

free, sovereign, and independent states." As far back as the 12th of July, 1776, a committee specially appointed to prepare such a form had reported certain "Articles of Confederation," which were debated until the 20th of August, when they were laid aside, and not taken up again until April 8, 1777. From this date until November the Articles were discussed whenever there were no war measures pending. The discussions of this weighty subject were frequently of a very exciting nature. A confederation was absolutely necessary, but it was found exceedingly difficult to decide as to the relative positions of the large and small states, and also as to taxation, the boundaries of the Western lands, commerce, and other important matters. Finally, the Articles, considerably amended, were agreed to on the 15th of November, 1777, and two days later were transmitted by Henry Laurens, President of Congress, to the legislatures of the states to be ratified. The legislatures were requested to give their delegates in Congress "competent power" to sign the Articles.

Within a short time New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia had ratified the Articles, and instructed their delegates to sign them, which they did in July, 1778. In the same month Congress made an earnest appeal to the three backward states to ratify, "and so conclude the glorious compact." Finally, the delegates from New Jersey signed in November, 1778; those from Delaware in May, 1779; and those from Maryland on the 1st of March, 1781. All the delegates in Congress "solemnly plighted the faith" of their respective constituents that they would inviolably observe the conditions of the confederation. The reason that New Jersey, Delaware, and Maryland were indisposed at first to ratify the Articles was because no provision was made in them for dividing among all the states the vast unoccupied territory in the western part of the country; and they ratified at last only when assurance had been given them that the states which claimed this territory by authority of their charters as colonies would relinquish their claims.

Congress announced to the world that all the states had

signed the Articles of Confederation by a discharge of cannon in the yard of Independence Hall, in Philadelphia, at noonday on the 1st of March, 1781. It was enthusiastically declared that "this day will be memorable in the annals of America to the latest posterity."

The "Confederation and Perpetual Union" thus agreed to was described as "a firm league of friendship," entered into for the "mutual and general welfare" of the thirteen United States of America. The states were to retain their "sovereignty, freedom, and independence, and every power, jurisdiction, and right" which was not expressly delegated to Congress.

The governing body of the American Republic was to be a Congress, which was to meet annually in November, and to which each State could send not less than two nor more than seven delegates. The legislature of each State was to choose the delegates, who could be recalled at any time and others sent in their stead. Each State, regardless of population or importance, was to have but one vote in the Congress. The delegates were to choose one of their number as President of Congress, and he was to serve for one year. They were also to choose a "Committee of States," consisting of one delegate from each State, and this committee was to sit during the recess of Congress to direct affairs. Such civil officers as were needed to carry on the public business were also to be appointed.

The "United States, in Congress assembled," was to have the "sole and exclusive right and power of determining on peace and war," except where a State was actually invaded by enemies, or expected to be invaded, and the danger was so imminent as not to admit of delay; of sending and receiving ambassadors, entering into treaties and alliances, of establishing courts for the trial of felonies and piracies committed on the high seas, and for deciding as to captures on land and water. It was also to decide, as a court of last resort, all disputes and differences among the states concerning boundaries, jurisdiction, etc. It was given the right to "ascertain the necessary

sums of money to be raised for the service of the United States," and to appropriate such sums as were needed to defray the public expenses. All charges of war, and all other expenses that should be incurred for the common defence or general welfare, and allowed by Congress, were to be defrayed out of a "common treasury," which was to be supplied by the several states, in proportion to their wealth, as Congress should direct.

Congress could issue bills and borrow money on the credit of the United States, and regulate the "alloy and value of coin struck" by any of the states or by its own authority. It could build and equip a navy, and make requisitions upon the states for as many soldiers as it wanted; and the legislatures of the states were required to "raise the men, clothe, arm, and equip them in a soldier-like manner, at the expense of the United States," and forward them to the place designated by Congress, which could appoint all the officers, except regimental officers, both of the land and naval forces, make rules and regulations for the army and navy, and direct their operations.

Congress could fix the standard of weights and measures, regulate trade and affairs with the Indians, establish post-offices throughout the country, and exact such postage as was necessary to pay the expenses of the offices. The votes of nine states were required to enact the important measures. Each State was to abide by the decision of Congress on all questions submitted to it under the Articles of Confederation.\*

\* For the full text of the Articles of Confederation, see Appendix B.

## CHAPTER VI

The Congress of the Confederation.—Its Important Measures.—The Financial Difficulties during the Revolution.—Robert Morris's "Bank for the United States of North America."—Triumph of the American Cause.—The Treaty of Peace.—General Washington Returns His Commission to Congress Sitting at Annapolis.—The Historical Scene in the Ancient Maryland State-house.—Washington's Speech and President Mifflin's Reply.—Lack of Authority in Congress after the War.—The Defects of the Confederation.—Proposition for a Convention to Revise the Articles of Confederation.—The Famous Ordinance for the Government of the Northwest Territory.

On March 2, 1781, Congress began to act under the Articles of Confederation, and thereafter it was generally called the "Congress of the Confederation." It never entirely lost, however, its original designation of the Continental Congress. Ever since the meeting of what is properly called the Third Continental Congress, which began on December 20, 1776, the national legislature had been almost constantly in session. At rare intervals a short recess would be taken, but there was no adjournment for any lengthy period. The exigencies of the Revolution compelled Congress to keep together, in order to be ready for immediate action whenever it was required. There was a constant change of membership, as the State legislatures elected the delegates for different terms, and frequently recalled them before their terms had expired. Each State compensated its own delegates, the compensation varying in different sections of the country, but never exceeding twenty dollars a day and expenses, which sum was paid by the State of Virginia. The presidents of Congress had fine houses provided for them at the places where Congress met, and were allowed large sums of money for servants and household stores. Some of the presidents drew as much as \$17,000 a year, and none "kept house" on less than \$10,000. As a general thing, the

delegates to Congress were well-to-do, and quite often very wealthy lawyers, merchants, and planters. They were nearly always men of ability, culture, and experience in the political affairs of their states. As each State under the Articles of Confederation could send seven delegates to Congress and no more, it follows that ninety-one made up the full number; but the attendance at any session seldom exceeded twenty-five or thirty.

From 1778 to 1783, Congress met in Independence Hall, in Philadelphia. The spacious apartment in the first story, where it held its sessions, was rather plainly furnished. There was no attempt at decoration, except that on the walls were hung large engravings of Washington and other eminent American soldiers, and a printed "broadside" of the Declaration of Independence, which had been signed in that very apartment. Arranged in a semicircle in the centre of the floor were thirteen small mahogany tables covered with green cloth. At each of these tables sat during a session the chairman of a State delegation, while the other members of the delegations occupied comfortable mahogany chairs in the rear of the tables. The President of Congress was seated at a large desk on a low platform in front of the tables, and near him was seated the Secretary of Congress. The delegates sat with their hats on, after the manner of the British Parliament. They were usually richly attired, and some of them were exceedingly gorgeous in embroidered satin coats and small-clothes, and ruffled shirts adorned with precious stones. They were dignified, very courteous to one another, and polite in debate. Long speeches were the rule, and some of the delegates were noted for their ability to talk for hours. The debates were generally prolonged even to tediousness, and plenty of time was taken to arrive at a decision upon most matters under consideration.

During the latter part of the Revolutionary War Congress had many financial difficulties. Its requisitions on the State legislatures were not promptly attended to, and the bills of credit it had issued so profusely to pay the war expenses became almost worthless. All military supplies were held at exorbitant prices, and finally could be obtained only for specie

or foreign bank-notes. In consequence of the inability of Congress to furnish supplies, the army, while in the midst of an arduous campaign, was deprived of food and clothing, and the wonder is that Washington and his generals could have held the soldiers to their work during this time of great privation. Capitalists in France, Spain, and Holland, from whom several million dollars had been obtained, became uneasy because the interest on their loans was not promptly forthcoming, and refused to advance another dollar to the American government. To obtain the means to purchase 3,000,000 rations which were immediately needed by the army at Trenton, Congress authorized Robert Morris, George Clymer, and other patriotic gentlemen of wealth to establish a temporary bank in Philadelphia. This was really the first "national" bank established in the United States. It was called the "Bank of Pennsylvania," and was located in the Carpenters' Hall where the First Continental Congress had been held.

In an ancient history of Philadelphia it is stated that the projectors of the bank "lent their credit in the form of bonds. Each bound himself for the payment thereof if necessary to fulfil the engagements and discharge the notes and contracts of the bank. These securities were to be extended to £300,000, Pennsylvania currency, in specie. Two directors were to be chosen to conduct a regular banking business. They were authorized to borrow money on the credit of the bank for six months or less, and to grant special notes bearing interest at six per cent. to the lenders. Congress was to reimburse them from time to time for the sums advanced. If money did not come in fast enough, the bond issuers were to lend a proportionate sum of their subscriptions in cash. The directors were to apply all moneys borrowed and all received from Congress to the sole purpose of purchasing provisions for the use of the Continental army, to transportation, and to discharging their notes and expenses. The sureties were to choose factors to make the purchases. Ten per cent. in cash was required from the loaners to start the bank. Notes were to be issued for payments as fast as they would be taken by their creditors. When Congress should reimburse the bank the notes were to be paid off and cancelled,

accounts settled, and the bank wound up. The directors, factors, and others employed were to be allowed compensation by Congress, but none of them meant to derive the least pecuniary advantage at that present time; nor do we know that they ever did receive a penny for their services, invaluable at the time."

The bank was successful in its object, and continued in existence from July, 1780, until the establishment by Robert Morris of his "Bank for the United States of North America," which was sanctioned by Congress because "the exigencies of the United States rendered it indispensably necessary," and went into operation in Philadelphia, in 1781. Morris's bank had a large capital, was ably managed, and existed for a number of years greatly to the benefit of the government for which it acted in a monetary capacity.

Robert Morris, after distinguished service in Congress, was at this time the Superintendent of Finance of the United States. He had made millions by extensive commercial and financial operations, and was generally accounted the greatest financier in the country. During the Revolution he had nearly two hundred ships captured by British privateers, but in spite of this heavy loss he realized so large a profit on the cargoes of his ships that escaped capture that he said, after the war, he had "come out about even." He rendered the United States invaluable financial service during a very critical period.

Franklin, who was the American Minister at the court of France, by a series of skilful diplomatic measures also came to the relief of Congress in its pecuniary stress. He first secured a gift of more than \$1,000,000 from Louis XVI., and then succeeded in obtaining a loan of \$2,000,000 from Holland upon the guarantee of the French monarch. The funds raised at home and in Europe were expended with prudence and economy, and under the new and better financial system established by Robert Morris the credit of the United States to a considerable extent was restored.

The surrender of Lord Cornwallis's army at Yorktown, on October 19, 1781, virtually brought the long and burdensome war to a close. The country was filled with joy beyond



measure at the complete triumph of the American cause, and in every city and village there was a jubilant celebration. When the good news was received by Congress, the members went in solemn procession to the Dutch Lutheran Church in Philadelphia, and gave praise to God for the great victory.

After the victory at Yorktown there was a cessation of hostilities. Negotiations for peace were begun at Paris, and on September 3, 1783, a treaty of peace was signed. In the following November the British army sailed for home, and the American army was disbanded.

The first article of the Treaty of 1783, or the Treaty of Peace, as it is often called, reads as follows: "His Britannic Majesty acknowledges the said United States—namely, New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia—to be free, sovereign, and independent states; and that he treats with them as such; and for himself, his heirs, and successors, relinquishes all claims to the government, proprietary and territorial rights of the same, and every part thereof."

Thus was the independence of the United States acknowledged by the mother-country, after an exhausting and terrible conflict, in which the patriots had encountered danger, toil, and great suffering to establish upon a permanent basis the doctrines they had so courageously proclaimed in 1776. "The times that tried men's souls are over," said Thomas Paine in the last number of his periodical, the *American Crisis*.

General Washington took leave of his officers on December 4, 1783, in New York, and immediately departed for Annapolis, where Congress was sitting in the ancient Maryland State-house, to return his commission as commander-in-chief. He arrived at Annapolis on Saturday the 20th, having received ovations from the people all along the route, who hailed him as the savior of the country. On the following Monday he was entertained at a magnificent dinner given by Congress in his honor; and on Tuesday, December 23d, he was accorded a public audience in the legislative chamber, which was thronged

with delegates and spectators, among whom was Martha Washington, accompanied by her two grandchildren, Nelly and Parke Custis. Outside the State-house there were many people, who ever and anon filled the air with enthusiastic cheers for the Hero of the Nation.

Washington entered the chamber escorted by his staff-officers. He was met by Secretary Thomson, who led the party to seats. All the delegates uncovered, a very unusual honor, and then Thomas Mifflin, the President of Congress, rose and informed Washington that Congress was ready to receive his communication. The illustrious chieftain was attired in the full uniform of his rank, and carried a sheathed sword in his left hand, while in his right he held his commission and a copy of the address he was about to make. When he rose and advanced in a dignified manner to the president's desk, he presented a majestic appearance. Bowing to the president, to the twenty-one delegates present, and to the spectators, he said:

“MR. PRESIDENT: The great events on which my resignation depended having at length taken place, I have now the honor of offering my sincere congratulations to Congress, and of presenting myself before them, to surrender into their hands the trust committed to me, and to claim the indulgence of retiring from the service of my country.

“Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity afforded the United States of becoming a respectable nation, I resign with satisfaction the appointment I accepted with diffidence—a diffidence in my abilities to accomplish so arduous a task; which, however, was superseded by a confidence in the rectitude of our cause, the support of the supreme power of the Union, and the patronage of Heaven.

“The successful termination of the war has verified the most sanguine expectations, and my gratitude for the interposition of Providence and the assistance I have received from my countrymen increases with every review of the momentous contest.

“While I repeat my obligations to the army in general, I should do injustice to my own feelings not to acknowledge, in this place, the peculiar services and distinguished merits of the gentlemen who have been attached to my person during the war. It was impossible the choice of confidential officers to compose my family should have been more fortunate. Permit me, sir, to recommend, in particular, those who have continued in the service to the present moment, as worthy of the favorable notice and patronage of Congress.

“I consider it an indispensable duty to close this last act of my official life by commending the interests of our dearest country to the protection of Almighty God, and those who have the superintendence of them to his holy keeping.

"Having now finished the work assigned me, I retire from the great theatre of action, and bidding an affectionate farewell to this august body, under whose orders I have so long acted, I here offer my commission, and take my leave of all the employments of public life."

Washington then delivered to President Mifflin his commission and a copy of his address, and resumed his seat. When the president began his reply, Washington rose and remained standing until its conclusion. The reply was as follows:

"SIR: The United States in Congress assembled receive, with emotions too affecting for utterance, the solemn resignation of the authorities under which you have led their troops with success through a perilous and doubtful war. Called upon by your country to defend its invaded rights, you accepted the sacred charge, before it had formed alliances, and whilst it was without funds or a government to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power through all disasters and changes. You have, by the love and confidence of your fellow-citizens, enabled them to display their martial genius and transmit their fame to posterity. You have persevered till these United States, aided by a magnanimous king and nation, have been enabled, under a just Providence, to close the war in freedom, safety, and independence; on which happy event we sincerely join you in congratulations.

"Having defended the standard of liberty in this new world; having taught a lesson useful to those who inflict and to those who feel oppression, you retire from the great theatre of action with the blessings of your fellow-citizens; but the glory of your virtues will not terminate with your military command; it will continue to animate remotest ages.

"We feel with you our obligations to the army in general, and will particularly charge ourselves with the interests of those confidential officers who have attended your person to this affecting moment.

"We join you in commending the interests of our dearest country to the protection of Almighty God, beseeching him to dispose the hearts and minds of its citizens to improve the opportunity afforded them of becoming a happy and respectable nation. And for you we address to him our earnest prayers, that a life so beloved may be fostered with all his care; that your days may be happy as they have been illustrious; and that he will finally give you that reward which this world cannot give."

After this ceremony, which greatly affected all present, "the first citizen of the United States," as Luzerne very properly designated Washington, hurried away to Mount Vernon, where he arrived in time to participate in the Christmas festivities. During the eight years' war he had been able to visit his beautiful Virginia home but once, and he gladly returned to it now with

the expectation that he should never again be compelled to leave it to assume public duties. Although Congress had enacted that the commander of the army should receive \$500 a month for his services, Washington declined to accept any compensation. He asked only that the sum which he had expended from his private purse for his expenses, a careful account of which he had kept, should be returned to him, which was done.

After sitting at Annapolis for a year, the Congress of the Confederation removed to Trenton, N. J., in November, 1784, and thence to New York, where it began its sessions in the old City Hall, in January, 1785. Here it remained for four years, or until it was dissolved by the change of government consequent on the adoption of the Constitution of the United States.

A wretched state of affairs succeeded the Revolution, and it soon became manifest that the Articles of Confederation, or "league of friendship," as they were frequently called, were entirely inadequate to the proper government of the country. An indebtedness exceeding forty millions of dollars had been incurred by the war, and a considerable part of this amount was due to the brave men who had fought for independence. Congress had not the power of taxation. It could not raise money either by an excise or by a tariff on imports; it could only borrow money or issue bills of credit. To borrow money was exceedingly difficult, if not impossible, for Congress at this time, and the bills of credit it issued were nearly worthless. Consequently it had no way to discharge the burdensome national debt, and could only recommend certain measures for this purpose to the State legislatures for their ratification. But all the states had heavy war debts of their own to provide for, and were generally in an impoverished condition. Everywhere in the country trade and commerce and agriculture were badly depressed; the exalted patriotic feeling which had existed during the Revolution was gone, and the people were so busy repairing the damage the war had done that they were not very much inclined to pay attention to the wants of the general government. The recommendations and requisitions of Con-

gress were scarcely heeded by the State legislatures ; or if perchance they were heeded, it was usually only to disapprove of them. As Congress could not raise the money, the interest on the public securities was not paid, and the little credit the government possessed was thereby entirely ruined both at home and abroad.

There were bitter quarrels among the states in regard to the regulation of trade. Oppressive tariff and tonnage laws were enacted by the legislatures, which caused the commercial intercourse among the different sections of the country to be exceedingly difficult and usually unprofitable. Congress could not remedy this great evil, nor the evil of a variety of State regulations concerning foreign commerce. Indeed, it was so feeble and inefficient that it gradually lost the respect of the nation. Some states refused to send delegates to the sessions in New York ; some of the ablest delegates, disgusted with the impotency of national legislation, resigned. Congress was totally unable, by lack of State co-operation, to carry out certain provisions of the Treaty of 1783 ; and, therefore, England put stumbling-blocks in the way of the national prosperity in retaliation for this disregard of the terms of the compact.

It was evident to every thoughtful man that something must be done quickly to allay the popular discontent, and to check the drift towards anarchy, by giving a definite power to the federal government, or else the new American republic would be likely to collapse. The Confederation was called by Washington "a half-starved, limping government, always moving upon crutches and tottering at every step." He said also : "It is as clear to me as A, B, C, that an extension of federal powers would make us one of the most happy, wealthy, respectable, and powerful nations that ever inhabited the terrestrial globe. Without this we shall soon be everything which is the direct reverse." The Articles of Confederation were defective because they required some of the most important measures in Congress, particularly those concerning the finances, to be passed by a two-thirds vote, thus enabling any five of the states to defeat very necessary legislation. Their most fatal defect, however, was the lack of power given to Congress to

compel the states to meet its requisitions. Congress could call upon a State for this or that thing, but no way was provided for it to compel a State to obey its call.

Among the earnest advocates of a reformation of the government were three young men who afterwards became very distinguished in American history. They were Alexander Hamilton, James Madison, and James Monroe. Mr. Hamilton was a short, slender man, with an attractive, intellectual face and large brilliant eyes. He was a pleasing orator, and possessed a great deal of what is nowadays described as "personal magnetism." He was born on the Island of Nevis, in the West Indies, in 1751, and his father was Scotch and his mother French. When a boy of fifteen he was sent to New York to become a student in King's (now Columbia) College, and when only seventeen he distinguished himself by earnestly advocating the colonial cause both with tongue and pen, some of his orations and essays having remarkable effect and doing great service for the patriots. He became an American citizen and served in the Revolution, first as an aide to General Washington and then as the colonel of a regiment that won distinction at the siege of Yorktown. After the war he became a lawyer, and in 1782 he entered Congress.

Mr. Madison was a chubby, rosy-faced, sweet-tempered young Virginian of large ability, who had gone into Congress in 1780 well equipped for legislative duties. After his term of three years, during which he was noted for his sound judgment and extensive knowledge of English history and constitutional law, he vacated his seat, returned to Virginia, and became a very active member of her legislature. He was born in 1751, was a graduate of Princeton College, and a lawyer by profession. Early in life he had made himself prominent in the politics of his native State. He had carefully studied political science, and had an intimate acquaintance with the ancient forms of government. In 1782 he re-entered Congress and served for two years. He was rather slow and grave of speech, and had a very modest way of expressing his opinion; yet none of the noted orators of Congress could equal him as a clear, impressive debater, and his remarks always commanded

much attention and had a great deal of effect. He had a calm face, which was seldom ruffled with passion, and keen blue eyes. He always wore plain black clothes, and never powdered his hair. His estate in Virginia, known as Montpelier, yielded him a large income, and he ranked among the wealthy planters of that commonwealth.

Mr. Monroe was the youngest of the trio. He was born in 1758, in Westmoreland County, Va., famous as the birth-place of Washington, the Lees, and other distinguished Virginians. He became a student in the College of William and Mary, but left his books when the Revolution began and joined the patriot army, serving with credit for several years. He studied law, was admitted to the Virginia bar, and entered politics, soon becoming conspicuous among the young statesmen of the Old Dominion. He served in Congress from 1783 to 1786. He was tall and well-formed, quiet and dignified in manner, and simple in dress. He had little talent as an orator or writer, but his sensible views upon public questions, his spotless integrity and rare devotion to duty, made him an influential man in Congress and elsewhere.

Fully realizing the impending danger to the American Union from the impotency of Congress under the Articles of Confederation, these sagacious young statesmen, in connection with others both in and out of the national legislature, sought to effect a radical change in the form of government. For some months nothing came of their labors; but at length Mr. Madison secured the passage by the Virginia Assembly of a resolution calling for a meeting of commissioners from all the states at Annapolis on the 17th of September, 1786, to discuss the best methods to obtain a uniform commercial system, which was greatly needed. Out of this meeting came a proposition for a convention to reform the Confederation.

At the time appointed commissioners from only five states were present at Annapolis, and therefore it was thought hardly worth while to begin the discussion of commercial matters. Instead, a committee was chosen to prepare an address to the states. The address was written by Alexander Hamilton, who

represented New York, and was unanimously adopted. After describing the bad condition of national affairs, the address declares :

“That there are important defects in the system of the federal government is acknowledged by the acts of all those states which have concurred in the present meeting ; that the defects, upon a closer examination, may be found greater and more numerous than even these acts imply, is at least so far probable, from the embarrassments which characterize the present state of our national affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion of some mode which will unite the sentiments and councils of all the states. In the choice of the mode, your commissioners are of the opinion that a convention of deputies from the different states, for the special and sole purpose of entering into this investigation, and digesting a plan for supplying such defects as may be discovered to exist, will be entitled to a preference, from considerations which will occur without being particularized.”

It was therefore proposed that the states should appoint commissioners “to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the Constitution of the federal government adequate to the exigencies of the Union ; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them, and afterwards confirmed by the legislature of every State, will effectually provide for the same.”

The address was brought to the attention of Congress in the hope of obtaining its sanction to the proposed convention. There was a lengthy discussion of the matter, during which it was argued that the Annapolis meeting being “an irregular body had no right to propose changes in the organic law of the land,” and that the legislatures of the states “could not properly confirm the acts of such a body or take notice of them.” Finally, Congress discarded the address, and on the 21st of February, 1787, took the matter of a convention into



its own hands. Without much, if any, opposition the following resolution was passed :

“Whereas, there is provision in the Articles of Confederation and Perpetual Union for making alterations therein, by the assent of a Congress of the United States and of the legislatures of the several states; and whereas experience hath evinced that there are defects in the present Confederation, as a means to remedy which several of the states, and particularly the State of New York, by express instructions to their delegates in Congress, have suggested a convention for the purposes expressed in the following resolution; and such convention appearing to be the most probable means of establishing in these states a firm national government;

“*Resolved*, That, in the opinion of Congress, it is expedient that, on the second Monday in May next, a convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress, and confirmed by the states, render the federal Constitution adequate to the exigencies of government and the preservation of the Union.”

This convention was held, but instead of revising the Articles of Confederation, as Congress had directed, it formed the Constitution of the United States. How the great work was done is fully described in the next chapter.

The famous “Ordinance for the government of the territory of the United States northwest of the river Ohio,” which was passed by the Congress of the Confederation, in 1787, was a political measure of great and enduring consequence. It was preceded, in 1784, by a series of resolutions or an ordinance, concerning the same matter, which came from the pen of the author of the Declaration of Independence. The history of these measures is interesting.

By the diplomatic skill of Franklin, Adams, and Jay, the American commissioners who negotiated the Treaty of Peace, in 1783, all the vast region extending northward and westward

from the Alleghany Mountains to the Mississippi River was, by the treaty, ceded to the United States by Great Britain. The greater part of this "waste and uncultivated territory," commonly known as the "Crown lands," because they had been held by the British crown, was claimed by the State of Virginia by virtue of the rather indefinite royal patents issued to her original settlers. New York, Massachusetts, and Connecticut also claimed certain portions of this wilderness. The other states met these claims with a patriotic and forcible plea. They argued that as all the thirteen American commonwealths had united in the effort to break the British rule, they should now all equally share in the advantages gained by the war; and, therefore, these Western lands should be given to Congress, to be held in trust for the benefit of the whole nation.

Congress took up the matter, and recommended "to the several states in the Union having claims to the Western territory to make liberal cessions of a portion thereof to the United States." On the 10th of October, 1780, Congress resolved that any of the unappropriated lands so ceded in pursuance of its recommendation should "be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence as the other states." The lands were to be granted and settled at such times, and under such regulations, as should be agreed on by Congress.

New York was the first State to relinquish claim to the Western lands, but the three other states followed in good time. In all the deeds of cession the condition was made that the ceded lands should be considered "as a common fund for the use and benefit of such of the United States as had become or should become members of the Confederation, and should be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." Virginia, in her deed of cession, reserved a certain tract for the benefit of her soldiers; and Connecticut, in her deed, reserved land on the border of Lake Erie, which was thereafter known as the "Western Reserve of Connecticut," and is now a part of the State of Ohio.

As there had been a number of settlements made on the Western lands adjacent to the Ohio River, Congress, in 1784, appointed a committee, consisting of Thomas Jefferson, of Virginia, Samuel Chase, of Maryland, and David Howell, of Rhode Island, "to prepare a plan, consistent with the principles of the Confederation, for connecting with the Union by a temporary government the purchasers and inhabitants of the Northwest Territory, until their numbers and circumstances shall entitle them to form a permanent constitution for themselves and, as citizens of a free, sovereign, and independent State, to be admitted to a representation in the Union." Mr. Jefferson was the chairman of the committee, and the plan or series of resolutions they reported originated with him.

By Mr. Jefferson's plan it was proposed to divide the territory into ten new states, which were to be given high-sounding classical names after the fashion of the time. In each of these states the settlers were to be allowed to organize a provisional government at once, under the authority of Congress; and whenever there should be a population of twenty thousand they could organize a permanent government. Whenever any of the new states should have a population equal to that of any of the original states, it could be admitted into the Union by a two-thirds vote in Congress. The new states were required to remain forever a part of the United States; to have republican forms of government with universal suffrage; and to pay their share of the federal debt.

In this plan it was provided "That after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in the punishment of crime, whereof the party shall have been convicted to have been personally guilty."

On the 19th of April, 1784, during the discussion of the plan in Congress, Mr. Spaight, of North Carolina, moved that the prohibition of slavery be stricken out. The question on the motion was put, according to the form then in use, in this way: "Shall the words moved to be struck out stand?" Six states—New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania—voted in the affirmative;

and three states—Virginia, Maryland, and South Carolina—voted in the negative. No delegates from Delaware or Georgia were present. Only one delegate was present from New Jersey, and he voted aye; but, under the rules, the vote of the State could not be counted, as two delegates were not present. North Carolina was divided and lost her vote. As it required the assent of seven states to retain the slavery prohibition, Mr. Spaight's motion was, therefore, agreed to. Mr. Jefferson was greatly chagrined at the result of the vote. His plan, thus amended, was accepted by Congress, and out of it was formed what is known as the "Ordinance of 1784," which was enacted in April of that year.

The Ordinance of 1784 remained in force for three years, but no attempt was ever made to establish the proposed new states; and the great Northwestern domain, with settlements here and there along the Ohio, was very little governed under the ordinance. In September, 1786, Congress appointed a committee, composed of Nathan Dane, of Massachusetts, Edward Carrington and Richard Henry Lee, of Virginia, to draft a new ordinance for the government of the territory. The committee had the matter in their hands for a number of months, and with the help of Mr. Jefferson's plan and several other plans which had been presented to Congress during the previous two years, constructed an ordinance which was finally passed on July 13, 1787.

The Ordinance of 1787 has been called "a great charter of rights." As Daniel Webster said, "It fixed forever the character of the population in the vast regions northwest of the Ohio, by excluding from them involuntary servitude." The ordinance provided that the territory should have for its temporary government a governor, a secretary, and a court of three judges, all to be appointed by Congress. There was also to be a legislature which was to elect a delegate to Congress. The territory was eventually to be divided into not less than three nor more than five new states, the boundaries of which were indicated. Within these boundaries are now the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin. Whenever any of the new states should have 60,000 in-

habitants, it could form a permanent government and enter the Union.

One of the "articles of compact between the original states and the people and states of the said territory," which was forever to "remain unalterable, unless by common consent," was the following:

"ARTICLE VI.—There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted: Provided, always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully re-claimed and conveyed to the person claiming his or her labor as aforesaid."

The Southern States made no objection to this article, and all the delegates in Congress at the time voted for the ordinance, with the exception of Abraham Yates, of New York. He had himself recorded in the negative, though for what reason no one to this day has been able to find out. It is said that to Nathan Dane belongs the honor of having written the ordinance; but it is quite evident that whoever wrote it availed himself of Mr. Jefferson's plan, and of much that had been previously discussed in Congress. Mr. Dane, it is likely, is entitled only to the credit of having arranged and put in proper form other men's ideas. Mr. Jefferson had nothing to do with the construction of the ordinance, as he was in France in 1787.

About the time of the passage of the Ordinance of 1787, Congress sold 5,000,000 acres of the Northwest Territory to colonization companies for \$3,500,000. One of these companies was the Ohio Company, organized in New England, of which Dr. Manasseh Cutler was the agent. By the efforts of this company the State of Ohio was subsequently formed. In August, 1789, the First Congress of the United States under the Constitution passed an act confirming the Ordinance of 1787, and giving it full force and validity.

## CHAPTER VII

Changing the Form of the Government.—The Constitutional Convention at Philadelphia.—An Assemblage of Distinguished Men.—The Various Plans of a New Constitution Submitted to the Convention.—Earnest Debates during a Long Session.—The Strong Conflicting Interests.—How the New Federal System was Constructed.—The Three Great Compromises.—After Considerable Difficulty the Constitution of the United States Perfected and Signed.—Submitting the Constitution to the People.—A Factious Opposition to It.—The Constitution Ratified.

ALL the State legislatures, except that of Rhode Island, elected delegates to the Constitutional Convention appointed by Congress to revise and amend the Articles of Confederation. Rhode Island, for some unknown reason, sullenly kept aloof from the important movement. The Confederation had proved a failure, and clear-headed, liberal, and patriotic men in every section of the country realized the necessity of a stronger and more efficient government. Some there were, narrow-minded, short-sighted men, who were fearful that if more power were given to Congress, the rights of the states would be violated. For this reason they opposed the convention; but their opposition was ineffectual because the people in general, North and South, took the liberal view and heartily supported the project.

The convention was appointed for the 14th of May, 1787, but it was not until the 25th of that month that the delegates of seven states (a quorum) were present in Independence Hall, in Philadelphia, to begin the deliberations. General Washington, who had left his plantation very reluctantly to become a member of the Virginia delegation, was unanimously chosen president of the convention, and William Jackson, of New York, was chosen secretary. The states represented at first were New York, New Jersey, Pennsylvania, Delaware, Vir-

ginia, North Carolina, and South Carolina. On the 28th of May the delegates from Massachusetts and Connecticut arrived. The delegates from Georgia arrived on the 31st of May, and those from Maryland on the 2d of June. It was not until the 23d of July that the delegates from New Hampshire arrived. When the roll was completed it was found there were fifty-four members of the convention, as follows :

John Langdon and Nicholas Gilman, of New Hampshire ; Elbridge Gerry, Nathaniel Gorham, Rufus King, and Caleb Strong, of Massachusetts ; William Samuel Johnson, Roger Sherman, and Oliver Ellsworth, of Connecticut ; Robert Yates, Alexander Hamilton, and John Lansing, of New York ; William Livingston, David Brearly, William Paterson, and Jonathan Dayton, of New Jersey ; Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, and Gouverneur Morris, of Pennsylvania ; George Read, Gunning Bedford, John Dickinson, Richard Bassett, and Jacob Broom, of Delaware ; James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll, John Francis Mercer, and Luther Martin, of Maryland ; George Washington, Edmund Randolph, John Blair, James Madison, George Mason, George Wythe, and James McClurg, of Virginia ; Alexander Martin, William Richardson Davie, William Blount, Richard Dobbs Spaight, and Hugh Williamson, of North Carolina ; John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, and Pierce Butler, of South Carolina ; William Few, Abraham Baldwin, William Pierce, and William Houston, of Georgia.

It was indeed a notable gathering, as even a cursory reading of the names will show. Many of these men had served their country long and ably. They had been brave, faithful soldiers ; they had been reliable, sagacious legislators ; they had been true patriots in the times that tried men's souls. Now, by reason of the grievous condition of national affairs, they had assembled to concoct a plan by which the nascent American nation could be assured of a long and prosperous existence. Benjamin Franklin, in his eighty-second year, was the oldest, and Jonathan Dayton, in his twenty-sixth year, was the

youngest member of the convention. The sessions were held with closed doors and all the delegates were pledged to secrecy. Copious notes of the debates were taken by James Madison for his own use, and many years afterwards these notes were published by the government together with the official records of the convention. Chief-justice Yates, of New York, and Luther Martin, of Maryland, two of the delegates, also made reports of the proceedings, which were printed; so that there exists to-day considerable information of the body that gave us the Constitution.

From the beginning of its sessions the trend of the convention was towards a new form of government. Washington, Madison, Franklin, Hamilton, Pinckney, and other prominent delegates were greatly in favor of a change from the weak confederation of states to a strong national government, or government of the people. The convention had been called to revise the Articles of Confederation, but no attempt was made to do so, as it was soon ascertained that the majority of the delegates were disposed to create a new and distinct federal system. It was suggested by a conservative delegate that in order to gain the favor of the people it would be well to adopt "a plan composed of palliatives and half measures." When Washington heard this injudicious suggestion, he left the president's chair and spoke earnestly against it. During his speech he uttered these memorable words: "It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God."

After this admirable speech nothing more was heard of "palliatives and half measures." On the 29th of May, Edmund Randolph, then Governor of Virginia and a man of great prominence in the political world, addressed the convention in regard to the serious defects of the Confederation, and, in behalf of his State, presented a series of resolutions which he declared should be adopted as leading principles on which to form a stronger and better government. The "Virginia plan," as the



resolutions were designated, was largely the work of James Madison, and, as it formed a considerable part of the groundwork of the Constitution subsequently adopted, it caused him in later years to receive the appellation of "Father of the Constitution."

By the Virginia plan it was proposed to have a national government, with a National Legislature of two branches. The members of the first branch were to be elected by the people of the states according to population, and the members of the second branch were to be chosen by those of the first out of a certain number of nominations made by the State legislatures. To execute the national laws and to carry on the government, there was to be an Executive Council chosen by the National Legislature for a specified term, and to be ineligible for a second term. There was to be a National Judiciary, the members of which were to hold their offices for life. The members of the National Legislature were to vote as individuals and not as states, as was done in the Continental Congress. Ample power was to be given to the National Legislature to legislate for the needs of the government and to enforce its acts. Provision was made for the admission of new states, etc.

On the same day that the Virginia plan was presented, Charles Pinckney, of South Carolina, a gallant soldier of the Revolution, submitted a draft of a constitution of the United States. In the main Pinckney's constitution was based on the principles of the Virginia plan, but it had a number of different features, some of which were afterwards incorporated into the Constitution which was finally adopted. It provided for a President of the United States with the title of "His Excellency," and a Congress of two houses, one to be called the House of Delegates and the other the Senate.

The Virginia plan and Pinckney's draft (sometimes called the "South Carolina plan") were referred to the committee of the whole, where they were discussed for nearly two weeks. At last a series of resolutions based on the two plans submitted was reported back to the convention. It was intended to use these resolutions as a sort of foundation on which to erect a suitable constitutional structure. They were, in part, as follows:

*"Resolved,* That a national government ought to be estab-

lished, consisting of a supreme legislature, judiciary, and executive; that the National Legislature ought to consist of two branches; that the members of the first branch ought to be elected by the people of the several states, for the term of three years; that the members of the second branch ought to be chosen by the individual legislatures, and to hold their offices for a term sufficient to insure their independency—namely, seven years; that the members of both branches ought to receive fixed stipends by which they may be compensated for the devotion of their time to public service, to be paid out of the national treasury; that each branch ought to possess the right of originating acts; that the National Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the Confederation, and, moreover, to legislate in all cases to which the separate states are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation.”

It was resolved “that the right of suffrage in the National Legislature ought not to be according to the rule established in the Articles of Confederation, but according to some equitable ratio of representation—namely, in proportion to the whole number of white and other free citizens and inhabitants, of every age, sex, and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes in each State.”

It was resolved “that a National Executive be instituted to consist of a single person, to be chosen by the National Legislature for a term of seven years; with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be ineligible the second time; and to be removable on impeachment, and conviction of malpractice, or neglect of duty; to receive a fixed stipend, by which he may be compensated for the devotion of his time to public service, to be paid out of the national treasury.” The National Executive was to have the “right to negative any legislative act, which shall not be afterwards passed, unless by two-thirds part of each branch of the National Legislature.”

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It was resolved to establish a National Judiciary, "the judges of which to be appointed by the second branch of the National Legislature, and to hold their offices during good behavior."

It was resolved, lastly, that the new Constitution "ought at a proper time or times, after the approbation of Congress, to be submitted to an assembly or assemblies of representatives, recommended by the several legislatures, to be expressly chosen by the people to consider and decide thereon."

While the convention was discussing these resolutions, William Paterson, in behalf of the delegates from New Jersey and from two or three other states, the delegations of which were divided in sentiment, presented what is termed the "New Jersey plan." By this plan it was proposed that Congress should remain a single body, and should represent the states, each of which was to have one vote. Congress was to be given full power to regulate commerce, to raise money by taxation, and to enforce its requisitions. There was to be an Executive Council for the management of the affairs of the government, and a Supreme Judiciary.

Madison, Hamilton, and several other prominent delegates strongly opposed the New Jersey plan. Mr. Hamilton made an impressive speech, at the close of which he submitted a plan of his own. He favored a Congress of two branches with sufficient power to regulate the affairs of the country, but proposed that the members of the second branch, or Senate, should be elected for life by electors chosen by the people of the states, which were to be divided into election districts for this purpose. He also proposed that the supreme executive authority of the United States should be vested in a Governor to be elected for life. Another marked feature of his plan was that all the governors of the states should be chosen by the general government.

The convention went again into committee of the whole to consider the two new plans. After very little discussion they were rejected, and then the committee again reported the resolutions which had been reported before.

The work of constructing the new system of government was now begun. Without very much debate it was agreed to

have a Congress of two branches ; but the proposition to elect the members according to population and to give each member a vote was strenuously opposed by many of the delegates, who demanded that all the states should have equal suffrage, as in the Continental Congress. For a long time there was a perfect storm of debate, and frequently the convention was "on the verge of dissolution, scarce held together by the strength of a hair," as a delegate afterwards wrote. It was declared that under the proposed system the rich and populous states of Massachusetts, Pennsylvania, and Virginia would entirely control the other and smaller states ; that it was "a system of slavery which bound hand and foot ten states of the Union, and placed them at the mercy of the other three." Finally, the vexed question was settled by a compromise. It was agreed that in the first branch of Congress each State should be represented by one member for every 40,000 (afterwards changed to 30,000) of its inhabitants ; and that in the second branch each State should be represented by only two members. The members of both branches were to vote as individuals.

There was also "a torrent of words" in regard to the matter of counting the population of each State for the representation in Congress and for the purpose of direct taxation. It was proposed at first to exclude slaves from the count, as in all the states where they were held they were regarded as property and had no suffrage ; but as some of the Southern states made serious objection to this, it was agreed, by another compromise, that every five slaves should be counted as equal to only three freemen.

After these difficult matters had been satisfactorily disposed of the convention went on with its work easily until the 24th of July, when it referred all its proceedings to what was called a "committee of detail," which was charged with the duty of making a draft of a constitution "conformably to the proceedings aforesaid." Then the convention adjourned until the 6th of August, and the delegates who had the scheme of the new government dearly at heart rejoiced with exceedingly great joy, because they were now certain that success would crown their efforts.

When the convention met after the adjournment the committee of detail reported the draft of a constitution, which began as follows :

“We, the people of the states of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, do ordain, declare, and establish the following Constitution for the government of ourselves and our posterity.” Then it went on to state that “the style of this government shall be, ‘The United States of America’”; that “the government shall consist of supreme legislative, executive, and judicial powers”; and that “the legislative power shall be vested in a Congress, to consist of two separate and distinct bodies of men, a House of Representatives and a Senate; each of which shall, in all cases, have a negative on the other.” The Representatives were to be elected by the people every second year, and the Senators were to be chosen by the State legislatures for six years, each legislature choosing two. Congress was given power to lay and collect taxes, to regulate commerce with foreign nations and among the states, to coin money, etc.

Article 10 of this Constitution was as follows: “The executive power of the United States shall be vested in a single person. His style shall be, ‘The President of the United States of America’; and his title shall be, ‘His Excellency.’ He shall be elected by ballot by the Legislature. He shall hold his office during the term of seven years; but shall not be elected a second time.”

Article 11 was as follows: “The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as shall, when necessary, from time to time, be constituted by the Legislature of the United States. The judges of the Supreme Court, and of the inferior courts, shall hold their offices during good behavior.”

For several weeks the convention discussed the Constitution reported by the committee of detail, and gave it a thorough overhauling. Many important changes were made. The term of the President of the United States was reduced to four years,

and he was made eligible for re-election. The office of Vice-President was created and the electoral system was devised. By another compromise it was agreed that Congress should have full power to regulate foreign and domestic commerce, and that the African slave-trade should continue until 1808. The first agreement was supposed to benefit the Eastern States, which had a great deal of shipping; and the second to benefit South Carolina and Georgia, which desired to obtain additions to their slave population. The whole subject of slavery was brought up, and an ineffectual effort made to authorize the general government, from time to time, to make regulations for the gradual abolition of "the nefarious institution," which was declared to be "a national curse entailed by England." On September 8th the amended draft of the Constitution was given to a committee of five "to revise the style of, and arrange, the articles agreed to by the House." Gouverneur Morris was a member of this committee, and, it is stated, nearly all the work of arranging the Constitution in the form we now have it was done by him. The "committee on style" reported on the 13th of September, and four days later the Constitution was signed.\*

Three prominent members of the convention—Elbridge Gerry, Edmund Randolph, and George Mason—refused to sign the Constitution, although they were present when the signing took place. The changes made in the Virginia plan before it was adopted did not suit Randolph and Mason; and Gerry objected to certain features of the Constitution which he thought infringed the rights of the states. Twelve members of the convention, for one reason or another, departed for their homes before the Constitution was ready to be signed. They were Oliver Ellsworth, George Wythe, Luther Martin, Caleb Strong, Robert Yates, John Lansing, John Francis Mercer, James McClurg, Alexander Martin, William Richardson Davie, William Pierce, and William Houston. The Constitution had thirty-nine signers—able, patriotic men who rejoiced that to them had been allotted the distinguished work of forming the great charter of American rights and liberties.

\* For the full text of the Constitution, see Appendix C.

It is related of Franklin, who was then the highly honored President of Pennsylvania, that, old and feeble as he was, and burdened with the cares of office, he did not fail to be present every day in the convention during its long session of four months. He took part in the debates and strove earnestly to perfect the Constitution. At times he had been fearful that the convention would dissolve without accomplishing anything; and when, after much toil and trouble, the Constitution was signed, his joy was unbounded.

Mr. Madison, in his *Reports of the Debates in the Federal Convention*, says that "whilst the last members were signing, Dr. Franklin, looking towards the President's chair, at the back of which a rising sun happened to be painted, observed to a few members near him that painters had found it difficult to distinguish in their art a rising from a setting sun. 'I have,' said he, 'often and often in the course of the session and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting; but now at length I have the happiness to know that it is a rising, not a setting, sun.'"

The convention adjourned on the 17th of September, 1787, after passing the following resolutions:

"*Resolved*, That the Constitution be laid before the United States in Congress assembled, and that it is the opinion of this convention that it should afterwards be submitted to a convention of delegates, chosen in each State by the people thereof, under the recommendation of its legislature, for their assent and ratification; and that each convention assenting to and ratifying the same should give notice thereof to the United States in Congress assembled.

"*Resolved*, That it is the opinion of this convention, that as soon as the conventions of nine states shall have ratified this Constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the states which shall have ratified the same, and a day on which electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution. That after such publication the electors should be appointed,

and the Senators and Representatives elected; that the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed as the Constitution requires, to the Secretary of the United States in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution."

General Washington, as President of the Convention, at once transmitted the Constitution to the President of Congress with the following letter :

" IN CONVENTION, September 17, 1787.

" SIR: We have now the honor to submit to the consideration of the United States in Congress assembled that Constitution which has appeared to us the most advisable.

" The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident; hence results the necessity of a different organization.

" It is obviously impracticable, in the Federal Government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several states as to their situation, extent, habits, and particular interests.

" In all our deliberations on this subject we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union—in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

" That it will meet the full and entire approbation of every State is not,



perhaps, to be expected; but each will doubtless consider that, had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

“ With great respect, we have the honor to be, sir, your excellency's most obedient humble servants.

“ By unanimous order of the convention.

“ GEORGE WASHINGTON, *President*.

“ His Excellency the PRESIDENT OF CONGRESS.”

The Constitution was received in Congress, then sitting in New York, on the 20th of September, and was discussed in a very earnest manner for eight days. Richard Henry Lee and a few others opposed it on the ground that it would cause a consolidation of political power in the general government which would tend to destroy the independence of the states. The friends of the Constitution gave it a strong support, and, finally, Congress ordered it to be transmitted to the State legislatures.

The Constitution was published in all parts of the country, and for months was discussed by the press and the people in an exhaustive manner. Its opponents issued countless pamphlets, squibs, and caricatures, and many violent stump speeches were made against it. In one pamphlet the Constitution was called the “stepping-stone to monarchy” and “consolidated tyranny”; in another it was denounced as “inimical to the liberties of a free people”; and it was quite common to describe it by opprobrious terms. Richard Frothingham says in his history\* that the mass of the people appeared to welcome the Constitution heartily, but that “there were in all the states classes of individuals, some jealous of any enlargement of federal authority, which they regarded in the light of a foreign jurisdiction and very much as they had done the authority of the mother-country under the colonial régime; others, admitting the urgent necessity of reform, thought every desirable object might be attained by granting a few additional powers to Congress as

\* Frothingham's *Rise of the Republic of the United States*.

organized under the Articles of Confederation, without giving to the federal authority the faculty of direct action upon individuals, which they apprehended would lead to a subversion of the State governments, and, finally, to a consolidation of the states under one central and absorbing control."

At this time there appeared in the *Independent Gazetteer*, a daily newspaper published in New York, a series of bright and forcible essays explaining the Constitution and advocating its adoption. They were republished by the leading newspapers of the country and quickly became famous. They appeared under the title of "The Federalist," and were signed "Publius." It was soon ascertained that the authors were Alexander Hamilton, James Madison, and John Jay. Eighty-five essays in all were published, of which, it is believed, Mr. Hamilton wrote fifty-one, Mr. Madison twenty-nine, and Mr. Jay five. They were subsequently issued in book form, and are to-day considered a very valuable commentary on the Constitution. There is no doubt that they had great influence when they were first printed.

Delaware was the first State to ratify the Constitution; and within eight months from the time this little commonwealth had set her seal of approval on the document all the other states, with the exception of North Carolina and Rhode Island, had ratified. On the 2d of July, 1788, the President of Congress laid before that body the ratifications of nine states, and a committee was at once appointed "to report an act for putting the said Constitution into operation."

On the 4th of July the adoption of the Constitution was enthusiastically celebrated all over the United States. There were great and magnificent processions, barbecues, bonfires, and all sorts of jubilations. Only once before in America had there been seen such demonstrations of joy, and that was when the Declaration of Independence was promulgated. The people rejoiced so heartily because they believed that the Union would be enduring and the country prosperous and happy under the new government to be established.

## CHAPTER VIII

The Beginning of the New Constitutional Government.—Dissolution of the Continental Congress.—Meeting in New York of the First Congress of the United States under the Constitution.—How New York Appeared in 1789.—The Federal Hall in Wall Street.—Organization of Congress.—The Roll of Members.—Counting the Electoral Votes for President and Vice-President.—Washington and Adams Notified of their Election.—Ovations to Washington on His Journey to New York.—His Inauguration as the First President of the United States.—His Inaugural Address.

THE Constitutional Government of the United States went into operation in 1789. On the 13th of September of the preceding year the Congress of the Confederation passed this resolution: "*Resolved*, That the first Wednesday in January next be the day for appointing electors in the several states which before the said day shall have ratified the Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective states and vote for a President; and that the first Wednesday in March next be the time, and the present seat of Congress (New York) the place, for commencing the proceedings under the said Constitution." In eleven states the Constitution had been ratified by conventions of the people. Delaware, Pennsylvania, New Jersey, Connecticut, and Georgia ratified, one after another, without imposing any conditions or making any recommendations. In the Massachusetts convention there was, at first, considerable opposition to the Constitution, and even the true patriot Samuel Adams, who was a member of the convention, did not entirely approve of the great instrument, and withheld his support until he had a clearer understanding of its beneficial effect. But Massachusetts finally took the sixth place among the states, attaching to her ratification a declaration that certain amendments "were

necessary to remove the fears and allay the apprehensions of the people." These amendments were nine in number, the most important being one which declared "that all power not expressly delegated by the Constitution should be reserved to the several states to be by them exercised"; and one which declared "that Congress do not lay direct taxes, except when funds arising from impost and excise are insufficient, nor then till they have first made a requisition on each of the states for its quota, and the states have neglected or refused to pay their proportion." Maryland, the seventh State, ratified without any recommendation. Then came South Carolina and New Hampshire with a number of amendments very similar to those proposed by Massachusetts. Virginia was the tenth State to ratify. In her convention the Constitution was opposed by Patrick Henry, who made a passionate speech against it, declaring that it violated State rights and was based on monarchical principles. To the ratification of Virginia was annexed a declaration of rights, which was, in substance, that the people may resume the powers of government when they are perverted and abused to their injury and oppression; that every power not granted remains with them and at their will; that no right can be cancelled, abridged, or restrained by Congress, the President, or any department or officer of the United States, except where the power is given by the Constitution for these purposes; and that the rights of conscience and of the press cannot be so restrained, modified, or cancelled. New York was the eleventh State to ratify, and her ratification was accompanied by a declaration of rights and a number of proposed amendments. One of the amendments was "that Congress should not impose an excise on any article of the growth, production, or manufacture of the United States."

For months North Carolina and Rhode Island were really out of the Union, as they did not ratify the Constitution before the new government was inaugurated. The Constitution met with great opposition in both states. In the former, when she ratified in November, 1789, a resolution was passed declaring that a bill of rights should be attached to the Constitution, and several amendments were proposed. When Rhode Island rati-

fied, in May, 1790, thirteen months after the installation of the first President, she, too, wanted a bill of rights, and submitted a long list of amendments.

The Congress of the Confederation, which was the last of the assemblages which altogether make up the Continental Congress, had its final roll-call on the 10th of October, 1788. Only twenty delegates answered to their names, and there was no quorum of states. The Congress which for almost fifteen years had been the supreme governing power of the country was now practically at an end, although the First Congress under the Constitution, which succeeded it, did not meet until nearly five months later. Every day four or five delegates would meet in the room in the City Hall, in New York, where the old Congress had sat for four years, have Secretary Thomson record their names in the journal, and then, after a little chat, they would go off to the amusements of the town. On the 2d of March, 1789, only one delegate appeared, and the Continental Congress quietly ended its existence. It has been eloquently said: "There was no beat of drums, no waving of flags, no noisy proclamations of heralds, when the Congress went out of life; but what a record has it left of patriotic, self-sacrificing service, and what a legacy of priceless worth in the Constitution, which, through its agency, is bequeathed to our posterity for evermore!"

Precisely at sunset on the 3d of March, 1789, thirteen guns were fired from the old fort on the Battery, in New York, to indicate that the Confederation had come to an end; and precisely at sunrise on the 4th of March, and also at noon and at night, salutes were fired and the bells of the churches were rung to welcome the birth of the new constitutional government. The new government was heartily greeted by the masses everywhere in the United States. One patriot exclaimed: "After a long night of political apprehension comes the dawn of national happiness"; and another thought that the country would "again thrive, the farmer meet immediately a ready market for his produce, manufactures flourish, and peace and prosperity adorn our land."

New York, in 1789, was a thrifty little city of some 25,000

inhabitants. It extended from the Battery not much farther than Chambers Street, a distance of about a mile. Beyond Chambers Street was the open country, covered with farms and cow-pastures. Here and there in the upper part of the city were spacious mansions occupied by the wealthy citizens. The business centre did not extend beyond Vesey Street. There was a "Broad Way," stretching from the Battery to Chambers Street, but above that point the thoroughfare was called Great George Street or Road. The "Bowery Lane" was a pleasant rural drive. Among the inhabitants of the city were many Dutch, and the language of Holland was heard in the streets almost as much as English. The city had an extensive commerce, and was rapidly developing into a formidable rival of Philadelphia, which was then the leading city in the United States. There were a number of churches—the most prominent being Trinity, St. Paul's, and the Old Dutch Church—and many excellent schools and other institutions of learning. The business buildings were numerous and, in the main, of good architecture, and the residences were often rather handsome. There was one theatre, where capital acting could be seen; and several famous old taverns, where those convivially inclined could be entertained.

The historical old City Hall, in Wall Street at the head of Broad, where the Sub-Treasury of the United States now stands, had been elaborately prepared for the use of the First Congress under the Constitution. The building was erected of brick and stone in 1700, at a cost of \$20,000, and was considered "a very imposing structure." Here the mayor had his office, and here the common council, the courts, the public library, and even the county jail were located. The Stamp Act Congress of 1765 was held here, and also many of the sessions of the Continental Congress. When it was determined to transform the old building into a "Federal Hall" for the new Congress, the merchants of New York subscribed \$32,500 for the purpose, and the work of construction was given into the hands of Major Pierre Charles L'Enfant, a Parisian engineer and architect, who had come to America in 1777, and had served with honor in the French contingent commanded by Comte d'Estaing. After the war L'En-

fant settled in New York and followed his profession. He designed St. Paul's Church and other buildings, and finally won immortality by designing the beautiful city of Washington. L'Enfant made the Federal Hall very handsome and very convenient, and the people of New York were greatly pleased to be able to give Congress such an abode.

In the old-time publication entitled the *National Register* is this description of the building :

"The basement was Tuscan, pierced with seven openings, massive pillars in the centre supporting four Doric columns and a pediment. The frieze was so divided as to admit thirteen stars in metopes. These, with the American eagle and other insignia, the tablets over the windows filled with the thirteen arrows and the olive-branches united, were considered sufficient to mark it as a building designated for national purposes.

"Entering from Broad Street the visitor found himself in a plainly furnished square room flagged with stone. This was always free to the public, being usually thronged during the sessions of Congress. From this public room entrance was gained to the vestibule leading into the Room of Representatives. This latter apartment was paved in marble, as was also the Senate Chamber on the right.

"The Representatives' Room was both spacious and elegant, being sixty-one feet by fifty-eight in its dimensions, and thirty-six feet to the ceiling. It was octagonal in form, the sides being rounded in the manner of niches, which gave a graceful variety to the interior. The windows were large, and placed sixteen feet from the floor, all of the walls below them being wainscoted, interrupted by the four chimneys. In the panels between the windows trophies were carved and the letters 'U. S.' in a monogrammic cipher, surrounded by wreaths of laurel. The Speaker's chair was placed on a dais opposite to the great entrance door, while the members' chairs were ranged in two semicircular rows. On either side of the Speaker's chair were narrow galleries for the accommodation of spectators, though their capacity did not exceed two hundred persons.

"The Senate Chamber was forty by thirty feet, and the height was only twenty feet, though, the ceiling being arched, this defect was not so noticeable. Three windows were placed in the front and back walls, those in front opening on an open gallery twelve feet deep, which overlooked Broad and Wall streets. The decorations of the Senate Chamber were severely simple. They were mainly pilasters of an order invented by Major L'Enfant. The marble used, was from American quarries. This selection was made in the belief that they were equal in shades and polish to any European specimens.

"Besides these halls of Congress there were also committee-rooms, spacious lobbies, and a guard-room on the floor above, for it was then the custom for the regular army to protect the building and its occupants."

The Senate Chamber and the Hall of Representatives presented an exceedingly handsome appearance, with fine mahogany desks and chairs, national flags in festoons, and large paintings. The chairs of the presiding officers had rich silken canopies over them.

It was appointed that Congress should meet on the 4th of March, but on that day only eight Senators and thirteen Representatives were present in Federal Hall. The House of Representatives did not have a quorum until the 1st of April, nor the Senate until the 6th. This was, doubtless, partly owing to the severity of the weather, which made the roads heavy and hindered travel. When the roll of Congress was finally made up for the first session it stood as follows, only eleven states being represented :

#### SENATE.

Oliver Ellsworth and William S. Johnson, of Connecticut; Richard Bassett and George Read, of Delaware; William Few and James Gunn, of Georgia; Charles Carroll and John Henry, of Maryland; Tristram Dalton and Caleb Strong, of Massachusetts; John Langdon and Paine Wingate, of New Hampshire; Jonathan Elmer and William Paterson, of New Jersey; Rufus King and Philip Schuyler, of New York; William Maclay and Robert Morris, of Pennsylvania; Pierce Butler and Ralph Izard, of South Carolina; William Grayson and Richard Henry Lee, of Virginia.

#### HOUSE OF REPRESENTATIVES.

Benjamin Huntington, Roger Sherman, Jonathan Sturges, Jonathan Trumbull, and Jeremiah Wadsworth, of Connecticut; John Vining, of Delaware; Abraham Baldwin, James Jackson, and George Matthews, of Georgia; Daniel Carroll, Benjamin Contee, George Gale, Joshua Seney, William Smith, and Michael Jenifer Stone, of Maryland; Fisher Ames, Elbridge Gerry, Benjamin Goodhue, Jonathan Grout, George Leonard, George Partridge, Theodore Sedgwick, and George Thatcher, of Massachusetts; Abiel Foster, Nicholas Gilman, and Samuel Livermore, of New Hampshire; Elias Boudinot, Lambert Cadwalader, Thomas Sinnickson, and James Schureman, of New Jersey; Egbert Benson, William Floyd, John Hathorn, John Lawrence, Peter Sylvester, and Jeremiah Van Rensselaer, of New York; George Clymer, Thomas Fitzsimons, Thomas Hartley, Daniel Hiester, Frederick A. Muhlenberg, Peter Muhlenberg, Thomas Scott, and Henry Wynkoop, of Pennsylvania; Edanus Burke, Daniel Huger, William Smith, Thomas Sumter, and Thomas Tudor Tucker, of South Carolina; Theodorick Bland, John Brown, Isaac Cole, William B. Giles, Richard Bland Lee, James Madison, Andrew Moore, John Page, Josiah Parker, and Alexander White, of Virginia.

The Senate elected John Langdon, of New Hampshire, tem-



porary President ; and the House elected Frederick A. Muhlenberg, of Pennsylvania, Speaker. Mr. Langdon was forty-eight years old, and possessed of a winning address and good ability. He was famous as a Revolutionary patriot, had been governor of his State, and a member of the Continental Congress and of the Federal Convention. Mr. Muhlenberg was a Lutheran clergyman who had turned statesman. He was thirty-nine, and a bright, energetic man of large experience in politics, having been a member of the Pennsylvania Assembly and of the Continental Congress. He was a son of the distinguished Bishop Muhlenberg, and a brother of General Peter Muhlenberg, of Revolutionary fame. Samuel Alyné Otis, of Massachusetts, a brother of the patriot, James Otis, was chosen Secretary of the Senate, and served continuously in this capacity for more than twenty-five years. John Beckley, of Virginia, was chosen Clerk of the House.

When Congress had completed its organization, both houses met in joint session to count the electoral votes cast in the several states a few weeks before, for President and Vice-President of the United States. It was found that George Washington had received sixty-nine votes for President, the whole number cast ; and that John Adams had received thirty-four votes for Vice-President. Ten other men also received thirty-four votes for the latter office. When the counting of votes was finished the following certificate was issued :

“ BE IT KNOWN, That the Senate and House of Representatives of the United States of America, being convened in the City and State of New York, the sixth day of April, in the year of our Lord one thousand seven hundred and eighty-nine, the underwritten appointed President of the Senate for the sole purpose of receiving, opening, and counting the votes of the electors, did, in the presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the electors for a President and for a Vice-President ; by which it appears that GEORGE WASHINGTON, ESQ., was unanimously elected, agreeably to the Constitution, to the office of PRESIDENT OF THE UNITED STATES OF AMERICA.

“ In testimony whereof I have hereunto set my hand and seal.

“ JOHN LANGDON.”

A similar certificate was issued for the election of John Adams to the office of Vice-President.

Charles Thomson, the greatly esteemed Secretary of the Continental Congress, was sent to carry the certificate of election to General Washington at Mount Vernon; and Sylvanus Bourne was sent on a like errand to Mr. Adams at Braintree, Mass. Both messengers set out on Tuesday, the 7th of April, and Mr. Bourne reached Braintree on the following Thursday evening. On the next Monday, Mr. Adams started for New York, where he arrived in just a week. On the way he was received with "federal honors," and escorted from town to town by militia companies. He was inducted into office as Vice-President of the United States on the 21st of April. He made a very excellent address to the Senate upon assuming the presidency of that body, in which he said:

"It is with great satisfaction that I congratulate the people of America on the formation of a national Constitution, and the fair prospect of a consistent administration of laws; on the acquisition of a House of Representatives chosen by themselves; of a Senate, also, composed by their own legislatures; and on the prospect of an executive authority, in the hands of one whose portrait I shall not attempt to draw. Were I blessed with powers to do justice to his character, it would be impossible to increase the confidence or affection of his country, or make the smallest addition to his glory. This can only be effected by a discharge of the present exalted trust, on the same principles, with the same abilities and virtues, which have uniformly appeared in all his former conduct, public or private. May I, nevertheless, be indulged to inquire, if we look over the catalogue of the first magistrates of nations, whether they have been denominated presidents or consuls, kings or princes, where shall we find one whose overruling good-fortune has so completely united all hearts and all voices in his favor, who enjoyed the esteem and admiration of foreign nations and his fellow-citizens with equal unanimity? Qualities so uncommon are no common blessing to the country that possesses them. By those great qualities, and their benign effects, has Providence marked out the head of this nation with a hand so distinctly visible as to have been seen by all men, and mistaken by none. . . . A trust of the greatest

magnitude is committed to this legislature, and the eyes of the world are upon you. Your country expects from the results of your deliberations, in concurrence with the other branches of government, consideration abroad and contentment at home—prosperity, order, justice, peace, and liberty. And may the providence of Almighty God assist you to answer their just expectations.”

Although he made the journey as speedily as possible, it took Mr. Thomson an entire week to reach Mount Vernon. When Washington received the notification of his election to the presidency, he said he was “much affected by this fresh proof of my country’s esteem and confidence,” and announced that he should be ready “to set out the day after to-morrow.” He made a farewell visit to his aged mother and received her blessing; and on the 16th of April, in company with Mr. Thomson and Colonel David Humphreys, he departed for New York to assume the exalted office to which a grateful country had called him. On the day he left home he wrote these lines in his diary: “About ten o’clock I bade adieu to Mount Vernon, to private life, and domestic felicity; and, with a mind oppressed with more anxious and painful sensations than I have words to express, set out for New York with the best disposition to render service to my country in obedience to its call, but with less hope of answering its expectations.”

The journey northward of the President-elect was one long ovation. Everywhere the people turned out in great crowds to do him honor. In Baltimore and Philadelphia the demonstrations were magnificent. The reception at Trenton had a unique feature. At the end of a bridge over which Washington and his party crossed into the New Jersey village, was a gigantic arch covered with evergreens and inscribed, “The Defender of the Mothers will also Protect their Daughters.” Near the arch stood a large number of richly dressed women, and immediately in front of them were their daughters clad in white and holding baskets of flowers. When Washington approached he stopped his horse and gracefully saluted the group. The women then sang the following ode composed for the

occasion, while their daughters strewed the beloved hero's pathway with fragrant flowers :

“Welcome, mighty chief, once more !  
Welcome to this grateful shore !  
Now no mercenary foe  
Aims again the fatal blow,  
Aims at thee the fatal blow.

“Virgins fair and matrons grave,  
Those thy conquering arms did save,  
Build for thee triumphal bowers.  
Strew, ye fair, his way with flowers.  
Strew your hero's way with flowers !”

We are told that Washington was “affected to tears” by this beautiful incident. Before he left Trenton he wrote a note of thanks “to the matrons and young ladies who received him in so novel and grateful a manner,” saying that he should always remember “the white-robed choir who met him with the gratulatory song.”

When the village of Elizabethport was reached, the presidential party was met by a committee from Congress, and conveyed up the bay to New York in a gorgeous barge manned by well-known masters of vessels. Elias Boudinot, who was one of the congressional committee, thus graphically describes the scene :

“When we drew near to the mouth of the Kills a number of boats with various flags came up with us and dropped in our wake. Soon after we entered the bay General Knox and several other officers in a large barge presented themselves with their splendid colors. Boat after boat, sloop after sloop, gayly dressed in all their naval ornaments, added to our train and made a most splendid appearance. Before we got to Bedloe's Island a large sloop came with full sail on our starboard bow, when there stood up about twenty gentlemen and ladies, who with most excellent voices sung an elegant ode, prepared for the purpose, to the tune of ‘God save the King,’ welcoming their great chief to the seat of government. On its conclusion we saluted them with our hats, and then they with the sur-

rounding boats gave us three cheers. Soon after, another boat came under our stern and presented us with a number of copies of a second ode, and immediately about a dozen gentlemen began to sing it, in parts, as we passed along. Our worthy President was greatly affected with these tokens of profound respect. As we approached the harbor our train increased, and the huzzaing and shouts of joy seemed to add life to this brilliant scene. At this moment a number of porpoises came playing amongst us, as if they had risen up to know what was the cause of all this happiness.

“We now discovered the shores to be crowded with thousands of people—men, women, and children; nay, I may venture to say tens of thousands. From the fort to the place of landing, although near half a mile, you could see little else along the shore, in the streets, and on board every vessel but heads, standing as thick as ears of corn before the harvest. The vessels in the harbor made a most superb appearance indeed, dressed in all their pomp of attire. The Spanish ship of war, the *Galveston*, in a moment, on a signal given, discovered twenty-seven or twenty-eight different colors, of all nations, on every part of the rigging, and paid us the compliment of thirteen guns, with her yards all manned, as did also another vessel in the harbor, the *North Carolina*, displaying colors in the same manner. We soon arrived at the ferry stairs, where there were many thousands of the citizens waiting with all the eagerness of expectation to welcome our excellent patriot to that shore which he regained from a powerful enemy by his valor and good conduct. We found the stairs covered with carpeting and the rails hung with crimson. The President, being preceded by the committee, was received by the governor and the citizens in the most brilliant manner.”

An imposing procession of military and distinguished civilians was formed, and Washington, dressed in a blue coat, buff waistcoat and breeches, was escorted through crowded streets profusely decorated with flags, wreaths of flowers, and evergreens, to a mansion in Franklin Square which Congress had fitted up at a cost of \$10,000 expressly for the use of the President. In the evening the city was handsomely illuminated,

and crowds filled the streets cheering enthusiastically for Washington and the new government. It was "a day of extravagant joy," as one has said; and some there were who even declared that they were "now ready to die contented, nothing being wanted to complete their happiness, previous to this auspicious period, but the sight of the savior of the country."

A week passed before Washington was installed in office. Meanwhile he kindly received the members of Congress, many of his old army companions, the notables of New York, and strangers who had come to the city from all parts of the Union to witness the novel sight of the inauguration of the first President of the United States. New York had never before had so many visitors. Every tavern and every boarding-house was filled to overflowing, and even the private residences had more guests than they could comfortably accommodate. "We shall remain here, even if we have to sleep in tents, as so many will have to do," a lady wrote to a friend.

It was finally determined to have the inauguration on Thursday, the 30th of April, and an elaborate ceremonial was arranged for the occasion. Among other things it was decided that on the eventful day the members of both houses of Congress should assemble in their respective chambers precisely at noon, and that the Representatives, preceded by the Speaker, should proceed to the Senate Chamber, where the Vice-President and the Senators should rise and receive them. Upon the arrival of Washington the Vice-President was to receive him at the door of the chamber and conduct him to a seat, and then was to inform him that Congress was ready to witness his taking of the oath prescribed by the Constitution. The question came up of how the President should be addressed. "I arose in my place," says John Adams in his diary, "and asked the advice of the Senate in what form I should address him; whether I should say, 'Mr. Washington,' 'Mr. President,' 'Sir,' 'May it please your Excellency,' or what else? I observed that it had been common while he commanded the army to call him 'His Excellency,' but I was free to own it would appear to me better to give him no title but 'Sir' or 'Mr. President' than to put him on a level with a governor

of Bermuda, or one of his own ambassadors, or a governor of any one of our states."

This matter of a title for the chief magistrate had been discussed with considerable earnestness in the newspapers and in social circles for several months previous to the time it came up in Congress. It was said that plain, unpretentious Roger Sherman had even "set his head at work to devise some style of address more novel and dignified than 'Excellency.'" A committee of the two houses of Congress, appointed to consider the subject, recommended that the President be called "His Highness the President of the United States of America and Protector of their Liberties"; but as the House of Representatives would not accept this bombastic appellation, it was finally resolved that the "form of address" should be "the President of the United States, without addition of title," and that he should be addressed as "Mr. President." This simple address has been retained to the present day.

The inaugural ceremonies began with a national salute early on the morning of April 30th. The bells of the churches pealed merrily, the American flag was everywhere displayed, and the streets were soon filled with gayly dressed crowds "absolutely frantic with patriotic fervor," as a chronicler informs us. Military companies with bands playing lively airs paraded the central thoroughfares; there was an incessant explosion of fire-arms accompanied by wild huzzas; stages and packets arrived crowded with eager sight-seers from the country; and by noon it could indeed be said that "the city was seething with excitement." A newspaper of the day says, "At nine o'clock in the morning all the churches in the city were opened, and the people, in prodigious numbers, thronged these sacred temples, and with one voice put up their prayers to Almighty God for the safety of the President."

At noon Washington left his residence for the Federal Hall. He rode in what is described as "a handsome state chariot drawn by four horses," and was escorted by a troop of horse and several companies of infantry, the congressional committee of reception, and a number of dignitaries. All along the route the people greeted him with fervent exclamations of delight.

He was received with great ceremony at the Federal Hall, and conducted to the Senate Chamber, where Vice-President Adams thus addressed him : "Sir, the Senate and the House of Representatives of the United States are ready to attend you to take the oath required by the Constitution, which will be administered by the Chancellor of the State of New York." Washington replied, "I am ready to proceed." The Vice-President then conducted him to the large balcony in front of the Senate Chamber, where the vast throng assembled in Wall and Broad streets could witness the ceremony.

A graphic and perhaps the most authentic account of Washington taking the oath is to be found in a letter written by Eliza Quincy, from which the following is quoted :

"I was on the roof of the first house in Broad Street, and so near Washington that I could almost hear him speak. The windows and the roofs of the houses were crowded, and in the streets the throng was so dense that it seemed as if one might literally walk on the heads of the people. The balcony of the hall was in full view of this assembled multitude. In the centre of it was placed a table with a rich covering of red velvet, and upon this, on a crimson velvet cushion, lay a large and elegant Bible. This was all the paraphernalia for the august scene. All eyes were fixed upon the balcony, where at the appointed hour Washington entered, accompanied by the Chancellor of the State of New York, who was to administer the oath, by John Adams, Vice-President, Governor Clinton, and many other distinguished men. By the great body of the people he had probably never been seen except as a military hero. The first in war was now to be the first in peace. His entrance on the balcony was announced by universal shouts of joy and welcome. His appearance was most solemn and dignified. Advancing to the front of the balcony, he laid his hand on his heart, bowed several times, and then retired to an arm-chair near the table. The populace appeared to understand that the scene had overcome him, and were at once hushed in profound silence.

"After a few moments Washington arose and came forward. Chancellor Livingston read the oath, according to the form pre-



scribed by the Constitution, and Washington repeated it. Mr. Otis, the Secretary of the Senate, then took the Bible and raised it to the lips of Washington, who stooped and kissed the book. At this moment a signal was given, by raising a flag upon the cupola of the Federal Hall, for a general discharge of the artillery at the Battery. All the bells in the city rang out a peal of joy, and the assembled multitude sent forth a universal shout. The President again bowed to the people, and then retired from a scene such as the proudest monarch never enjoyed."

In another account we find it stated that "Washington wore a suit of dark-brown cloth of American manufacture, with white silk stockings. On his feet were large, square shoes with silver buckles set with diamonds. His hair was powdered, brushed back, and tied in a queue. At his side hung a long sword with an ornamental hilt. . . . When Washington bowed to kiss the Bible he said solemnly 'I swear,' adding fervently, with closed eyes, 'so help me God.' 'It is done,' said the chancellor, who, turning to the spellbound throng below, exclaimed, 'Long live George Washington, President of the United States.' This was the signal for the outburst of pent-up joy and patriotism."

President Washington returned to the Senate Chamber and read his inaugural address, as follows :

"FELLOW-CITIZENS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES,—Among the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years; a retreat which was rendered every day more necessary, as well as more dear to me by the addition of habit to inclination, and of frequent interruptions in my health, to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is, that if, in executing this task, I have been too much swayed by a

grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me, my error will be palliated by the motives which misled me, and its consequences be judged by my country, with some share of the partiality in which they originated.

“Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe—who presides in the councils of nations—and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency; and in the important revolution just accomplished in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude, along with an humble anticipation of the future blessings which the past seems to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

“By the article establishing the executive department it is made the duty of the President ‘to recommend to your consideration such measures as he shall judge necessary and expedient.’ The circumstances under which I now meet you will acquit me from entering into that subject, further than to refer to the great constitutional charter under which you are assembled; and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism which adorn the characters selected to devise and adopt them. In these honorable qualifications I behold the surest pledges that as, on the one side, no local prejudices or attachments, no separate views, nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests; so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality, and the pre-eminence of free govern-

ment be exemplified by all the attributes which can win the affections of its citizens and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire; since there is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between virtue and happiness—between duty and advantage—between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity; since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained; and since the preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered as deeply, perhaps as finally, staked on the experiment intrusted to the hands of the American people.

“ Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient at the present juncture, by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good; for I assure myself, that while you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future lessons of experience, a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question how far the former can be more impreguably fortified, or the latter be safely and advantageously promoted.

“ To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will, therefore, be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed; and being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the executive department; and must accordingly pray that the pecuniary estimates for the station in which I am placed may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

“ Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the human race in humble supplication that, since he has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding, with unparalleled unanimity, on a form of government for the security of their Union and the advancement of their happiness, so his

divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this government must depend."

Senator Maclay, of Pennsylvania, who heard Washington's inaugural address, says in his interesting little book entitled *Sketches of Debate*:

"This great man was agitated and embarrassed more than ever he was by the levelled cannon or pointed musket. He trembled, and several times could scarce make out to read, though it must be supposed he had often read it before. He made a flourish with his right hand, which left rather an ungainly impression. I sincerely, for my part, wished all set ceremony in the hands of dancing-masters, and that this first of men had read off his address in the plain manner, without ever taking his eyes from the paper; for I feel hurt that he was not first in everything."

After the address President Washington, accompanied by Vice-President Adams, the members of Congress, and many others, and attended by the military, proceeded on foot to St. Paul's Church, where there was an impressive service, after which the President was taken to his residence in the "state chariot." In the evening the city was brilliantly illuminated, and there was a fine display of fireworks. The inaugural ball was postponed until May 7th, when it took place at the City Assembly Rooms. It is related that Washington attended the ball and danced in two cotillions.

## CHAPTER IX

Obtaining a Revenue for the New Government.—The First Tariff Act.—The Policy of Protection.—Establishing the Executive Departments.—President Washington's Cabinet.—The President's Power of Removal.—The Supreme Court of the United States.—How Congress Appeared during a Session.—The Compensation of Government Officials and Members of Congress.—The Macc.—Reporting the Debates.—Prominent Statesmen.—The Federalists and the Anti-Federalists.—How the Two Great Political Parties were Formed.—Their Diverging Principles.—The "Amendment Mongers."—Ten Amendments to the Constitution.

SHORTLY after the inauguration of President Washington, both houses of Congress called on him at his residence and delivered complimentary addresses in response to his inaugural address. The President told the congressmen, among other things, that he was ready to join with them "in the arduous but pleasing task of attempting to make a nation happy." It was first necessary to obtain a revenue sufficient for the support of the new "partly federal and partly national" government, as Madison designated it, that had just gone into operation; and also for the purpose of paying the interest on the public debt, which had not been paid for several years. The Treasury that had come from the old Continental government contained little or no money, and how to replenish it was the momentous question. It was estimated that the government would require at least \$600,000 a year to pay its ordinary expenses, and that a very large sum would also be needed to pay the interest on the public securities and to provide for their gradual extinguishment.

Early in the session of Congress a resolution was introduced in the House of Representatives by James Madison, which declared that "certain duties ought to be levied on

goods, wares, and merchandise imported into the United States, and on the tonnage of vessels." In presenting the resolution Mr. Madison said: "The Union, by the establishment of a more effective government, having recovered from the state of imbecility that heretofore prevented a performance of its duty, ought, in its first act, to revive those principles of honor and honesty that have too long lain dormant. The deficiency in our Treasury has been too notorious to make it necessary for me to animadvert on the subject. Let us content ourselves with endeavoring to remedy the evil. To do this a national revenue must be obtained; but the system must be such a one that, while it secures the object of revenue, it shall not be oppressive to our constituents."

After extended debates in both houses, during which the subject of protection to American manufactures and agriculture was very generally discussed, an act was passed laying *ad valorem* duties ranging from 5 to 15 per cent., and also small specific duties on nearly all articles imported. It was declared in the preamble to the act that it was "necessary for the support of the government, for the discharge of the debt of the United States, and the encouragement and protection of manufactures that duties be laid on goods, wares, and merchandise imported." The act was approved on July 4, 1789. It was the second act passed by Congress, the first having been an act prescribing the form of oath to be taken by members of the federal government, of the State legislatures, etc., to support the Constitution of the United States. A Tonnage Act was also passed, by which foreign vessels bringing goods into the United States were to pay a duty of fifty cents a ton, while American vessels were to pay only six cents a ton. It was argued that this discrimination in favor of American shipping would "bring it forward to that perfection so essential to American safety."

It was stated at the time of the passage of the Tariff Act that "the principles which governed in the final adjustment of the duties on imported goods were to impose the highest per centum on articles not considered necessary and which were deemed luxuries, and to fix the amount less on goods and products of ordinary consumption among all classes of people;

a regard was also had to such articles as were then, or might be, manufactured in the United States; and thus a higher duty was ordered, with a view to encourage the enterprise and industry of American citizens." The Tariff Act and the Tonnage Act went into operation in August, 1789, and in a short time gave the government ample means. In some months the duties on imports amounted to \$200,000.

Having thus provided for a sufficient revenue, Congress proceeded to create three executive departments—namely, the Department of Foreign Affairs (afterwards named the Department of State), the Treasury Department, and the Department of War. Thomas Jefferson, who had been since his retirement from the Continental Congress, Governor of Virginia and Minister to France, was selected by President Washington to be Secretary of Foreign Affairs (afterwards called Secretary of State). Alexander Hamilton was appointed Secretary of the Treasury. He was at the time practising law in New York, and had never shown any particular aptitude for finance. After assuming control of the Treasury he rapidly developed a wonderful genius for financial matters. General Henry Knox, the famous Massachusetts soldier, was appointed Secretary of War; and Edmund Randolph, the eminent Virginia lawyer, was appointed Attorney-general, but the Department of Justice over which the Attorney-general now presides was not created until 1870. These officials were to be the confidential advisers of the President, and were denominated the President's Cabinet, or Cabinet Council. Congress decided to give the President an annual compensation of \$25,000; the Vice-President, \$5000; the Secretary of Foreign Affairs, \$3500; and the other Cabinet officers, \$3000.

The affairs of the navy were in charge of the Department of War until 1798, when the Department of the Navy was created; and the affairs of the Post-office were in charge of the Treasury Department until 1794, the Postmaster-general being an officer of that department. It was not until 1829 that the Postmaster-general became a member of the Cabinet.

The Constitution gives the President the power to appoint all the important officers of the government "by and with the

advice and consent of the Senate"; but whether the President alone or the President and the Senate combined should have the power of removal is not expressed in the great charter. Congress, after a discussion lasting nearly a week, passed a special act by a rather close vote conferring the power of removal upon the President alone. During the discussion of the matter it was held by Roger Sherman, Elbridge Gerry, and not a few of the other members of Congress, that "as the President and the Senate were associated in making appointments, the fair inference was that they must agree in removals." They thought it would be "dangerous to liberty" for the great power of removal to be vested in the President alone, and they argued that if this were done it would make the officers of the government "mere instruments of the President's will." On the other side, there were arguments to show that it would be an improper restraint on the President to require the consent of the Senate in the removal of officers for whose conduct the President was, in a great measure, responsible; and that it was really necessary that the President should have power to remove an incompetent or unfaithful officer "without consulting the Senate, who would be absent often from the seat of government for half the year, and who could not possibly be sufficiently acquainted with the ability of the incumbent or the circumstances of the case to form an accurate and just opinion."

By Act of Congress the federal judiciary was created at this time. This was arranged to consist of a Supreme Court of the United States, and a number of Circuit and District Courts extending throughout the country. President Washington appointed John Jay, of New York, to be the first Chief-Justice of the United States; and John Rutledge, of South Carolina, James Wilson, of Pennsylvania, William Cushing, of Massachusetts, Robert H. Harrison, of Maryland, and John Blair, of Virginia, to be Associate Justices. The salary of the chief-justice was fixed at \$4000 a year, and the salaries of the associate justices at \$3500.

The daily sessions of Congress were conducted with a great deal of formality in both houses. The Senate sat with closed



doors, and all its proceedings were exceedingly decorous. The Senators were generally very richly dressed, and most of them were dignified even to the point of absurdity. The House of Representatives was open to the public, and as it had a number of eloquent orators and a great many interesting debates, its galleries were usually well filled. The Representatives were as fond of fine raiment and carefully powdered wigs as the Senators, and, in the main, were dignified; but many of their discussions were exciting and produced a current of strong feeling which sometimes culminated in a parliamentary battle not unlike the battles to be seen in the Congress of the present day. It was the custom for the heads of the executive departments to attend the sessions of Congress, to explain matters and make suggestions; and even President Washington visited the Senate on two occasions to advise with the Senators about the terms of a treaty which was being negotiated with certain Indians.

The compensation of the members of Congress was fixed at \$6 for each day's actual attendance in Congress, and \$6 for every twenty miles travelled in going to or returning from a session. The President *pro tempore* of the Senate and the Speaker of the House of Representatives were each allowed \$12 a day. The Secretary of the Senate and the Clerk of the House were each given an annual salary of \$1500, and in addition \$2 for each day of the congressional session. The House appointed a Sergeant-at-Arms, and made his pay \$3 a day. The door-keepers were paid \$750 a year.

A mace was provided for the Sergeant-at-Arms as a "proper symbol of his office." It was placed on the Speaker's table during the sitting of the House, and under the table when the House was in committee of the whole. When the Sergeant-at-Arms was executing the commands of the Speaker he was required to bear aloft the mace in his hands. This symbol of authority was designed after the Roman fasces. It was a bundle of ebony rods fastened with transverse bands of silver, having on its top a silver globe surmounted by a silver eagle.

The debates of the House were reported by short-hand writers and printed in the *Congressional Register*, an unofficial

publication, and in the newspapers. The reporters were allowed access to the floor of the House, and generally had seats in front of the Speaker's platform. The Representatives frequently complained that the reports published were "glaring deviations from truth" and full of "great misconceptions," often "distorting the arguments from the true meaning," and "imputing to some gentlemen arguments contradictory and foreign to the subject, and which were never advanced." At last a motion was made to prohibit the publication of reports. It was discussed with considerable earnestness, and then was withdrawn "with the hope that the reporters and printers would be more cautious in the future as to their publications, and study a greater degree of accuracy and impartiality."

The Senators were not troubled in this way, as no reports of the debates of the Senate were allowed to be printed for a number of sessions. The Senate rigidly excluded the public and even members of the House of Representatives from its chamber, and deliberated in secret, investing all its proceedings with a mystery which now seems ridiculous. On the 30th of April, 1790, a resolution was offered in the Senate "that the doors of the Senate Chamber shall be open when the Senate is sitting in its legislative capacity, to the end that such of the citizens of the United States as may choose to hear the debates of this house may have an opportunity of doing so." This resolution was rejected, and, two years later, a motion to open the doors to Representatives met with the same fate. The Senate kept its doors closed to outsiders until December 9, 1795, when it resolved "that, in conformity to a resolution of the Senate of the United States, passed on the 20th of February, 1794, the gallery of the Senate Chamber be permitted to be opened every morning, subject to the restrictions in said resolution mentioned." The "restrictions" were that the doors should be closed "in such cases as may, in the opinion of the Senate, require secrecy." Ever since that time the public have been admitted to the Senate gallery except during what are called "executive sessions," that is, sessions in which communications from the President of the United States in reference to treaties, appointments, etc., are discussed.

About the first thing that the congressmen did was to provide themselves with newspapers, to be paid for out of the public treasury. When the matter was first proposed a committee was appointed to consider it. This committee made a report which reads rather curiously now. After stating that "public economy requires that the expenses of the government be retrenched," the report says: "But as your committee consider the publication of newspapers to be highly beneficial in disseminating useful knowledge throughout the United States and deserving of public encouragement, they recommend that each member of Congress be supplied, at the public expense, with one paper, leaving the choice of the same to each member."

Among the prominent members of the First Congress who have not been previously described in these pages were Elbridge Gerry, Oliver Ellsworth, Fisher Ames, Jonathan Trumbull, William Paterson, Elias Boudinot, Rufus King, George Clymer, Charles Carroll, and Pierce Butler. Elbridge Gerry was a Massachusetts man of great ability. He was born in 1744, of English parents, was a graduate of Harvard College, and had acquired wealth as a merchant. Entering public life while a young man as a member of the legislature of his State, he had served for six years in the Continental Congress, where he had had the supreme honor and privilege of signing the Declaration of Independence. He was also a member of the Constitutional Convention, but did not sign the Constitution. In after-life he became Minister to France, Governor of Massachusetts, and Vice-President of the United States.

The name of this able statesman has come down to posterity inseparably connected with the political device known as "Gerrymandering," which is the art of arranging the voting districts of a State in such a way that they will give the party in power the control of the elections. When Mr. Gerry was Governor of Massachusetts, in 1812, he was the leader of the opposition to the Federal party, and it was mainly by his efforts that a bill was passed by the legislature rearranging the election districts of the State in the interest of the Democratic-Republicans. One of the rearranged districts had a very peculiar shape on the map of the State. Gilbert Stuart, the famous

artist, while in the sanctum of a Boston editor one day, cleverly added legs and eyes to this district as it was outlined on the map, and then exclaimed, "Now this looks like a salamander." "Better say 'Gerrymander,'" was the reply of the editor. The name stuck, and thus Governor Gerry was immortalized.

Fisher Ames was also from Massachusetts, and had defeated Samuel Adams in the race for Congress. He was thirty-one years old, and was noted as a scholar and orator. Some of his speeches in Congress, particularly his speech on Jay's treaty with England, were exceedingly brilliant and effective. Oliver Ellsworth was a Connecticut lawyer of forty-three years, who had been a member of the Continental Congress and of the Constitutional Convention, and was distinguished for rare intellectual gifts. He afterwards became Chief-Justice of the United States. Jonathan Trumbull was another Connecticut man. He was forty-nine, a Harvard graduate, and had served as aide-de-camp to Washington during the Revolution. He became Speaker of the House, United States Senator, and Governor of Connecticut. William Paterson, of New Jersey, was an eminent lawyer, forty-four years old, who subsequently became governor of his State and for thirteen years served as Associate Justice of the Supreme Court of the United States. Elias Boudinot, also of New Jersey, was forty-nine, and a man of great distinction. He had taken an active part in the Revolution, and had been one of the presidents of the Continental Congress. He was widely known as a philanthropist. Rufus King was born in Maine in 1755. He served in the Revolution, in the Continental Congress, and in the Constitutional Convention. He removed to New York in 1788, and represented that State in the Senate. He was highly esteemed as a lawyer and statesman. George Clymer, a prominent merchant and banker of Philadelphia, was one of the signers of the Declaration of Independence. He was an earnest patriot, and had suffered for the cause of liberty. His services in Congress were very valuable. Charles Carroll, of Carrollton, Md., was another signer of the Declaration, and he lived to be the last survivor of the noble band who boldly affixed their names to that instrument. He was a member of a distinguished Irish family, and possessed

great wealth. He was learned in law and literature, and had considerable fame as a writer on politics. Pierce Butler, of South Carolina, an Irishman of illustrious family, served as Senator for nine years. He was a capable legislator, and acquired a well-merited prominence.

The United States at this time was divided politically into two great factions known as the Federalists and Anti-Federalists. Before the holding of the Constitutional Convention nothing that resembled a political party was to be found in the country save, possibly, the Whigs and the Tories, who had sometimes formed political divisions during the Revolutionary period. From time to time there had been in all the states various political combinations organized expressly to act upon local issues, and occasionally in a small way on national affairs, but nothing like a great party had grown out of these combinations. But when the new Constitution was submitted to the people for their ratification the political organizations designated the Federalists and Anti-Federalists were developed. At this time the Federalists were the only supporters of the Constitution, and they earnestly urged its adoption because they desired an efficient federal government "fitted to make itself respected abroad and obeyed at home," and dreaded, as one has said, "the excess of popular democratic passions, tending constantly to anarchy." The Anti-Federalists bitterly opposed the Constitution, on the ground that it violated the sovereignty of the states and created a strong central government, which they believed would ultimately prove as despotic as that from which the country had been freed by the Revolution. But after the majority of the people had decided to adopt the Constitution, most of the Anti-Federalists, like good American citizens, yielded to the popular will and joined with the Federalists in establishing the new government provided for by the great instrument, but they differed with the latter in the construction of its clauses.

The Federalists believed in a broad or, as it was generally termed, a loose construction of the Constitution. They maintained with Alexander Hamilton, their great leader, that the nascent government could not properly carry on its work of

consolidating the league of discordant states into a compact, prosperous, and powerful nation without a liberal interpretation of the organic law. They favored the assuming of all necessary power under the claim of providing for the general welfare ; and anything that was for the general welfare was right, according to their way of thinking. A strong government controlled by an energetic executive they favored, and they sought in all ways to increase the executive power.

The Anti-Federalists held to a strict construction of the Constitution—to the very letter of the law—in order to prevent the federal government from having too great a concentration of power, which they feared would destroy the rights of the states. They were for leaving all power, when practicable, in the hands of the people. As Chief-Justice Marshall says, “they attached themselves to the State authorities, viewed all powers of Congress with jealousy, and assented reluctantly to measures which would enable the head to act in any respect independently of its members.”

The Federalists had a large majority in Congress, but they were disposed to legislate in a spirit of compromise. They seemed to follow Washington's great example. Although he was a Federalist in spirit, if not in name, and fully believed in a vigorous central government, he sought to harmonize the two parties by making Jefferson and Randolph, two extreme Anti-Federalists, members of his Cabinet.

Before Congress had scarcely begun its session amendments to the Constitution were offered by the Anti-Federalists, who appeared strangely apprehensive that the government might suddenly change into something like a limited monarchy, and, therefore, ought to have at once greater restrictions put upon it. These “amendment mongers,” as they were called by the Federalists, offered no less than seventy-seven amendments ; but Congress, in consequence of the press of other matters, was reluctant to consider any of them. Finally, James Madison, under the spur of a forcible demand from the legislatures of Virginia and New York that a convention should be called to propose amendments to be submitted to the states for their ratification, brought in a series of amendments of his own

which would, he believed, "do away with every objection that had been lodged against the Constitution by its most bitter enemies." After a long discussion Congress adopted twelve amendments and sent them to the states, which ratified ten of them, and they became a part of the Constitution on the 15th of December, 1791. These amendments prohibit Congress from making any laws prohibiting the free exercise of religion, abridging the freedom of speech, or of the press, etc., and are somewhat like a bill of rights.\* The two amendments not ratified referred to the pay of congressmen and the number of the members of the House of Representatives.

On the 29th of September, 1789, Congress closed its first session. Shortly before adjournment a resolution was passed requesting the President to appoint a day of public thanksgiving and prayer, to be observed "by acknowledging with grateful hearts the many and signal favors of Almighty God, especially by affording them an opportunity peacefully to establish a constitution of government for their safety and happiness."

\* For the full text of the amendments, see Appendix C.

## CHAPTER X

Trying to Make a Nation Happy.—President Washington's Social Relations with the People.—His System of Official Etiquette.—The Arduous Labors of the First President.—The United States in 1790.—Alexander Hamilton's Plan to Pay the Public Debt.—An Exciting Discussion in Congress.—Assumption of the Indebtedness of the States Incurred during the Revolutionary War.—The "Legislative Bargain" by which the National Capital was Located on the Potomac River.—Jefferson's Political Dinner-party.—The Act Establishing the Permanent Seat of the Government.

WHILE Congress was busily engaged in constructing the machinery of the government, President Washington was no less busy in arranging a system of official and social etiquette, which he deemed essential to the proper conduct of his high office. From the first he had been beset by office-seekers who had caused him a great deal of annoyance, and he had been often sorely perplexed about the official discipline and social propriety which should govern the intercourse of the President with Congress, the executive departments, and the people. To aid him in this difficulty he sent letters to Vice-President Adams, Chief-Justice Jay, Secretary Hamilton, and others, asking them for advice and suggestions, and from their answers combined with his own ideas he arranged the ceremonial which, with a few changes, has been in vogue at the Executive Mansion ever since. The President's relations with Congress have entirely changed. From Washington's time until the beginning of the administration of Jefferson it was the custom for the President to appear before both houses of Congress in joint convention at the opening of the yearly session, and deliver what was called the "annual address." Afterwards each house would adopt an address in reply, to be delivered to the President at the Executive Mansion. Now the "President's Message," which is sent



to Congress to be read in both houses by clerks, takes the place of the annual address.

In making up the rules by which he should regulate his social relations with the people, Washington concluded that he should be under no obligations to make or return social calls. In order, however, to maintain social intercourse with his fellow-citizens, he decided to give a public reception every Tuesday afternoon. At these receptions full-dress was required. Washington's dress is thus described by a writer of this period : "He wore his hair powdered and gathered behind in a silk bag. His coat and breeches were of plain black velvet ; he wore a white or pearl-colored vest and yellow gloves, and had a cocked hat in his hand ; he had silver knee and shoe buckles and a long sword, with a finely wrought and glittering steel hilt. The coat was worn over this sword, which had a scabbard of polished white leather." Washington received his guests with a dignified bow, but never shook hands even with his most intimate friends. Mrs. Washington held receptions on Friday evenings, and at these the President "appeared as a private citizen with neither hat nor sword ; conversing without restraint and generally with ladies." It is said that at Mrs. Washington's receptions "the guests were seated, and tea and coffee were handed round with plain and plum cake. The company were expected to retire early. 'The general retires at nine, and I usually precede him,' Mrs. Washington would say."

The presidents of the Continental Congress were accustomed to ask nearly everybody to dinner, and, it was said, "they kept a sort of public table." Washington thought this custom was hardly dignified enough for a President, and, therefore, abolished it. He gave one public dinner a week, to which were invited the high officials of the government, members of Congress, and distinguished citizens and foreigners. The dinners were so very plain that few were found to "rave" over them. Of one dinner it was written : "The President said grace, and then we dined on boiled leg of mutton with a few vegetables. After a simple dessert, one glass of wine was offered each guest, and when it had been drunk the President rose and led the way to the drawing-room."

At this time Washington was fifty-seven years old—a finely proportioned, muscular man of great dignity combined with ease and complacency. In one of her famous letters Mrs. John Adams says of him, “In Washington the gentleman and soldier look agreeably blended. Modesty marks every line and feature of his face” This hero and sage had entered upon a task infinitely greater than any he had ever undertaken before. He had led the American people in successful revolution, and now was to build for them—“amid the angry conflict of passion and prejudice and unreasonable apprehension, the incredulity of many, and the grave doubt of all”—a government which should be complete, satisfactory, and permanent. He labored at this task day and night. Great difficulties surrounded him. Fisher Ames said: “The cares and labors of the President were incessant; his exhortations, example, and authority were employed to excite zeal and activity for the public service; able officers were selected only for their merits, and some of them remarkably distinguished themselves by their successful management of the public business. The government was administered with such integrity, without mystery, and in so prosperous a course that it seemed to be wholly employed in acts of beneficence.”

When we consider the jealousies and lack of harmony produced by the rival theories of government, and the difficulty of welding the opposing forces, it seems wonderful indeed that the first President should have been so successful in laying the broad lines on which the American nation has been constructed. It is the glory of Washington that he not only achieved the independence of his country, but that he also properly started its liberal constitutional government.

The United States which Washington governed had an area of only 865,000 square miles, and a population of only 3,500,000. There were nearly 700,000 negro slaves. Three-fourths of the country was uninhabited. Little was known of the wilderness northwest of the Ohio River or west of the State of Georgia. On the north and east of the American boundary-lines Great Britain had vast possessions, and on the south and west Spain held a large territory. The revenue of the United States amounted yearly to only \$5,000,000, the ex-

ports to \$20,000,000, and the imports to nearly the same. The three great cities, Philadelphia, New York, and Boston, had in the aggregate only a little more than 100,000 people. Truly, it was a small and insignificant nation, but even then it was stirring with a vigorous life, and had begun in earnest that wonderful progress which is unsurpassed in modern history.

The second session of the First Congress began on the 4th of January, 1790, and shortly afterwards Alexander Hamilton, Secretary of the Treasury, submitted a report about the indebtedness of the United States, in conformity to a resolution passed by the House of Representatives at the previous session. In the report Mr. Hamilton stated that the domestic debt amounted to \$42,414,085, and the foreign debt to \$11,710,378. The debts of the states, incurred for the general defence during the Revolutionary War, were estimated at \$25,000,000. Mr. Hamilton proposed, in order "to support and preserve the public credit," that the government should assume the entire State indebtedness, and then should assume and fund the whole national debt, arranging for its payment, principal and interest, by means of the surplus revenue from the duties on imports, the proceeds of the sale of the public lands, etc. Several plans for funding and paying the debt were submitted for the consideration of Congress.

There was no objection to paying the principal and interest of the foreign debt in full, but there was serious objection to paying the domestic debt in this manner. The public securities had greatly depreciated, and were largely held by speculators who had bought them "for a song," and who would make immense fortunes if they were paid in full. After long debates, which were remarkable only for displays of violent party spirit, the House of Representatives agreed to pay both the foreign and the domestic debt in full as recommended by Mr. Hamilton, it being believed by the majority in Congress that such action on the part of the government would largely strengthen the national credit, which proved to be the case.

The proposition to assume the debts of the states was bitterly opposed by many of the members from the Southern States, who held that it was unconstitutional. The members

from the Eastern and the Middle States favored the assumption. They argued that as the states had incurred the debts for the common cause, it was, therefore, right and proper that the whole nation should be responsible for them. The proposition was adopted in the committee of the whole of the House, after a tempestuous discussion, by a vote of 31 to 26; but the opposition, having been reinforced by the arrival of seven Representatives from North Carolina—that State having just ratified the Constitution and entered the Union—voted it down by a majority of two when it came before the House. The Funding Bill without the assumption clause was then passed and sent to the Senate for its concurrence.

The Senate, after careful consideration of the subject, restored the assumption clause stricken out by the House, and then passed the Funding Bill. This was the result of a “legislative bargain” in connection with the location of the permanent seat of the government, which measure was before Congress at this time. The details of the matter are interesting.

The question of a national capital had been agitated for some years. It was believed that the government should have a permanent seat in a district especially set apart for it, and a clause to that effect had been inserted in the Constitution. The Continental Congress, on the 23d of December, 1784, had passed a resolution for the appointment of commissioners “to lay out a district on the Delaware River, near the Lower Falls, for a federal town, a federal House for Congress and for the executive officers thereof, and houses for the President and the Secretaries of Foreign Affairs, War, the Marine, and the Treasury”; but no money was appropriated for the purpose, and, therefore, the resolution was not carried into effect. In 1788 the General Assembly of Maryland passed “an Act to cede to Congress and the United States any district not exceeding ten miles square which the Congress may fix upon and accept for the seat of government of the United States”; and the General Assembly of Virginia, in 1789, passed a similar act.

Shortly after the meeting of the First Congress of the United States, in 1789, numerous petitions were received pray-

ing for the speedy settlement of the question of the permanent seat of the government. It was a hard question to settle. The Northern members of Congress did not want the national capital located in Maryland or Virginia; the Southern members preferred to have it located somewhere on the Potomac River. On August 27, 1789, a resolution was adopted in the House of Representatives "that a permanent residence ought to be fixed for the general government of the United States at some convenient place as near the centre of wealth, population, and extent of territory as may be consistent with convenience to the navigation of the Atlantic Ocean, and have due regard to the particular situation of the Western country." Then followed a long and bitter wrangle, during which a Northern member moved that the capital city be located at "some convenient place on the east bank of the Susquehanna River in Pennsylvania," and a member from Virginia moved that the Potomac region be selected. The latter motion was voted down, and then the House adopted a resolution for the appointment of commissioners to report the most eligible site on the Susquehanna for the government district.

The resolution went to the Senate, but, after discussing the matter for three days, the Senators decided not to accept the Susquehanna site. On the 26th of September, 1789, the Senate passed a bill locating the permanent seat of the government on the Delaware River at Germantown, a suburb of Philadelphia. The House, after an exciting debate, concurred in this bill with an amendment providing that the Pennsylvania laws then in force in the district to be ceded to the United States should be continued until Congress should otherwise provide. The bill was then sent back to the Senate for its concurrence in the amendment, but as Congress was about to conclude its annual session, and as there were many important matters to be considered in the Senate, the bill was laid on the table until the next session.

No one seemed to care for the Germantown Bill after that, and it was never brought up again. In May, 1790, a bill was introduced in the Senate to locate the seat of the government on the eastern bank of the Potomac, but it was rejected by a

vote of 9 to 15. Some two weeks afterwards Hamilton's Funding Bill came before the Senate, and an arrangement was made that the clause assuming the State debts should be restored to the bill and the bill should be passed, in consideration of the Senate also passing a bill to establish the national capital on the Potomac. Accordingly, on June 28, 1790, a bill was presented to the Senate locating the permanent seat of the government in a district not exceeding ten miles square "on the river Potomac, at some space between the mouths of the Eastern Branch and Conococheague." All the Southern Senators voted for it, together with two Senators from Pennsylvania, one from New Jersey, and one from New Hampshire, the vote being 16 yeas to 9 nays. The House concurred in this bill by a vote of 32 to 29, and also in the Funding Bill as it was passed by the Senate in accordance with the bargain that had been made.

Jefferson and Hamilton were the master-spirits of this legislative bargain, and the former, in writing about it years afterwards at his Virginia home, said :

"The great and trying question [the assumption of the State debts] was lost in the House of Representatives. . . . Hamilton was in despair. As I was going to the President's one day I met him in the street. He walked me backward and forward before the President's door for half an hour. He painted pathetically the temper into which the legislature had been wrought; the disgust of those who were called the creditor states; the danger of the secession of their members and of the separation of the states. He observed that the members of the administration ought to act in concert; that though this question was not of my department, yet a common duty should make it a common concern; that the President was the centre on which all administrative questions ultimately rested, and that all of us should rally around him and support with joint efforts measures approved by him; and that, the question having been lost by a small majority only, it was probable that an appeal from me to the judgment and discretion of some of my friends might effect a change in the vote.

"I told him that I was really a stranger to the whole sub-

ject; that not having yet informed myself of the system of finance adopted, I knew not how far this was a necessary sequence; that undoubtedly if its rejection endangered a dissolution of our Union at its incipient stage, I should deem that the most unfortunate of all consequences, to avert which all partial and temporary evils should be yielded. I proposed to him, however, to dine with me the next day, and I would invite another friend or two—bring them into conference together—and I thought it impossible that reasonable men, consulting together coolly, could fail, by some mutual sacrifices of opinion, to form a compromise which was to save the Union.

“The discussion took place. I could take no part in it but an exhortatory one, because I was a stranger to the circumstances which should govern it. But it was finally agreed that whatever importance had been attached to the rejection of the proposition, the preservation of the Union and of concord among the states was more important, and that, therefore, it would be better that the vote of rejection should be rescinded, to effect which some members should change their votes. But it was observed that this pill would be peculiarly bitter to the Southern States, and that some concomitant measure should be adopted to sweeten it a little to them. There had been propositions to fix the seat of government either at Philadelphia or at Georgetown on the Potomac, and it was thought that by giving it to Philadelphia for ten years, and to Georgetown permanently afterwards, this might, as an anodyne, calm in some degree, the ferment which might be excited by the other measure alone. So two of the Potomac members (White and Lee, but the former with a revulsion of stomach almost convulsive) agreed to change their votes, and Hamilton undertook to carry the other point. In doing this, the influence he had established over the Eastern members, with the agency of Robert Morris over those of the Middle States, effected his side of the engagement, and so the assumption was passed.”

Secretary Hamilton's plan of liquidating the debts of the old Confederation, which has been called “a monument of statesmanship,” had the effect to restore the public credit at once, and enabled the United States to emerge from its finan-

cial slough of despond. Capitalists furnished the government with sufficient money to liquidate the foreign and domestic indebtedness, and these new loans were funded in such a way that they were not a burden. Debts of the states to the amount of \$18,271,786 were assumed. This solution of the difficult financial problem gave a wonderful impetus to trade and manufactures, and started the nation upon a flourishing career.

The Southwestern lands held by the State of North Carolina were ceded to the United States at this session of Congress, and a government for this territory similar to that of the Northwestern Territory was established. Slavery, however, was not prohibited in the Southwestern Territory, as it was in the Northwestern.

The act for establishing the permanent seat of the federal government, which was passed by Congress on July 9, 1790, provided for the selection by the President of "a district of territory," ten miles square, somewhere on the Potomac River, in the region beginning at the mouth of the Eastern Branch or Anacostia River, and extending many miles to the northwest. The President was authorized to appoint three commissioners to survey, "define and limit" the district selected, and prior to December, 1800, they were required to provide in this district "suitable buildings for the accommodation of Congress and of the President, and for the public offices of the Government of the United States." For defraying the expenses of the purchase of the land and the erection of the buildings, the President was "authorized and requested to accept grants of money."

It was further provided that on the first Monday of December, 1790, the seat of government should be removed from New York to Philadelphia, where it was to remain until December, 1800, when it was to be transferred to the new Potomac district.



## CHAPTER XI

Removal of Congress to Philadelphia.—The New Congress Hall.—The Unpopular Excise Law.—A Bank of the United States Chartered.—New States Admitted to the Union.—First Debates about Slavery.—The Fugitive-Slave Law.—Adoption of the Party Name of Democratic-Republican.—Jefferson becomes the Leader of the New Party.—How Washington was Criticised and Abused.—Philip Freneau and His Newspaper.—American Sympathy with the French Revolution.—Washington's Declaration of Neutrality, and the Excitement it Created.—Genet's Visit to the United States.

THE First Congress had three sessions, the last of which began in Philadelphia on the 6th of December, 1790, the government having removed to that city a short time before. A substantial brick building, erected on the southeast corner of Chestnut and Sixth streets for a court-house, had been tendered to Congress by the authorities of Philadelphia, and Major L'Enfant had put it in order. The House of Representatives occupied the entire first floor. Its hall was furnished with mahogany desks and chairs resting on a velvet carpet, and the walls were adorned with the national flag and portraits of distinguished Americans. Near the centre of the western wall stood the Speaker's chair, which was of mahogany, upholstered in leather ornamented with brass nails, and had no canopy. The Senate had a handsomely furnished chamber in the second story, where also were various rooms used by the committees and officers of Congress.

In a Philadelphia newspaper of 1791 is this statement: "In a very plain chair without canopy, and with a small mahogany table before him, festooned at the sides and front with green silk, Mr. Adams, the Vice-President, presides as President of the Senate. Among the Senators is observed constantly during the debates the most delightful silence, the most beautiful order,

gravity, and personal dignity of manner. They all appear every morning full-powdered and dressed in the richest material. The very atmosphere of the chamber seems to inspire wisdom, mildness, and condescension. Should any of the Senators so far forget for a moment as to be the cause of a protracted whisper while another was addressing the Vice-President, three gentle raps with his silver pencil-case by Mr. Adams immediately restored everything to repose and the most respectful attention. The Senators, in their courtesy, present a most striking contrast to the independent loquacity of the Representatives below stairs, most of whom persist in wearing, while in their seats and during the debates, their ample cocked hats, placed 'fore and aft' upon their heads."

Soon after the beginning of this session of Congress an act was passed, after a long and protracted debate, increasing the duties on imported liquors, tea, and coffee, and, in addition, laying a duty on home-distilled spirits in order to provide sufficient funds to pay the interest on the State debts assumed by the national government. The excise or internal-revenue part of this act was unpopular in certain sections of the country. In western Pennsylvania, where considerable whiskey was distilled, the people rebelled against the excise, and the legislatures of Pennsylvania, Virginia, Maryland, and North Carolina denounced the Assumption Act in strong terms.

The most important measure presented at this session was Alexander Hamilton's plan of a Bank of the United States, to act as the financial agent of the government. The Bank of North America, which had been incorporated by the Continental Congress in 1781, and which had given invaluable financial aid to the government during the latter part of the Revolutionary War and for some years after, was at this time acting under a charter from the State of Pennsylvania. Having only a small capital, it could not take charge of the government finances, and a new and greater bank was deemed necessary. The Federalists earnestly supported Hamilton's plan, but the Anti-Federalists, who were strongly opposing all the financial measures of the administration, fought against it on the ground that it was unconstitutional, because the power of establishing a bank

was not granted to Congress. The Federalists maintained, however, that as Congress had the power "to make all laws which shall be necessary and proper" for the collection of the revenue, it was entirely within its constitutional rights to charter a bank to aid in this purpose. The Bank Act was passed and sent to President Washington for his approval. He favored it, but before signing requested the written opinions of his Cabinet as to its constitutionality.

Secretaries Hamilton and Knox approved of the act. Mr. Hamilton submitted an elaborate argument to show that a government bank was constitutional. He declared that in addition to the express powers, which were well understood, Congress had implied powers and resultant powers, which, though not so well understood, were just as clearly given in the Constitution. By the implied powers and the resultant powers, he argued, Congress had full authority to charter an institution which would care for the finances of the government.

Secretary Jefferson and Attorney-general Randolph viewed the act from the Anti-Federalist stand-point, and of course disapproved of it. Mr. Jefferson held that Congress had only two powers—those expressed in the Constitution, and those absolutely necessary to carry out the express powers. As a government bank was not absolutely necessary, although it might be convenient, Congress had no power, he said, to charter one.

Washington signed the act on February 25, 1791, and the Bank of the United States created by it was located in Philadelphia, with branches in other places, and had a prosperous existence until 1811, when Congress, having then a strong Democratic-Republican majority, refused to renew its charter, which had been limited to twenty years. The bank had a capital of ten million dollars, of which two millions were subscribed by the government, and its notes were legal tender for public and private debts. It was very ably managed, and made annual dividends averaging about sixteen per cent. Its stock, as may be supposed, commanded a high price. During its career it received and disbursed more than one hundred million dollars of the public money, and in many ways it was of great benefit to the government.

A national mint was established by Secretary Hamilton, and during the five years that he was at the head of the Treasury Department, he so fully developed the national system of collecting, keeping, and disbursing the public funds that it has not since been found necessary to make many important changes in the system.

It was of Hamilton that Daniel Webster made his famous remark: "He smote the rock of the national resources, and abundant streams of revenue gushed forth; he touched the dead corpse of public credit, and it sprang upon its feet."

The number of states was increased by the admission into the Union of Vermont, Kentucky, and Tennessee. The first was formed from territory originally claimed by New York, but relinquished, the second from a part of Virginia, and the third from the territory ceded to the United States by North Carolina. Vermont was admitted in 1791, Kentucky in 1792, and Tennessee in 1796.

During Washington's first term the subject of negro slavery was introduced in Congress. Numerous petitions—one of which was from the "Pennsylvania Society for Promoting the Abolition of Slavery," and bore the name of Benjamin Franklin—were presented praying for the abolition of the slave-trade. The petitions were referred to a special committee of the House of Representatives, which reported that Congress had no authority, prior to the year 1808, to prohibit "the migration or importation of such persons as any of the states should think proper to admit"; and also that Congress had "no authority to interfere in the emancipation of slaves, or in the treatment of them in any of the states." This report received the sanction of the House in March, 1790. There were exciting debates about slavery, the forerunner of what was to come many years after.

In February, 1792, Congress passed an act for the return of fugitive slaves to their masters. The Fugitive-Slave Act, or as it was entitled, "An act respecting fugitives from justice and persons escaping from the service of their masters," was passed in the Senate without any opposition, and in the House by a vote of 48 to 7. It provided:

“That when a person held to labor in any of the United States, or in either of the territories on the northwest or south of the river Ohio, under the laws thereof, shall escape into any other of the said states or territories, the person to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any judge of the Circuit or District courts of the United States residing or being within the State, or before any magistrate of a county, city, or town corporate, wherein such seizure or arrest shall be made, and upon proof, to the satisfaction of such judge or magistrate, either by oral testimony or affidavit taken before and certified by a magistrate of any such State or Territory, that the person so seized or arrested doth, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labor to the State or Territory from which he or she fled.

“That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney, in so seizing or arresting such fugitive from labor, or shall rescue such fugitive from such claimant, his agent or attorney, when so arrested, pursuant to the authority herein given or declared; or shall harbor or conceal such person, after notice that he or she was a fugitive from labor, as aforesaid, shall, for either of the said offences, forfeit and pay the sum of five hundred dollars.”

There was a constant display of violent party spirit in Congress for a number of years subsequent to 1792. The Anti-Federalists increased rapidly throughout the country, became well organized, sent their ablest men to the national legislature, and presented a formidable opposition to the measures of the Federalists. For a long time the old party name had been unsuitable, and, at the suggestion of Thomas Jefferson, the name of Democratic-Republican was substituted for that of Anti-Federalist. Some members of the party had been called Dem-

ocrats and some Republicans, and Mr. Jefferson thought the compound name would be satisfactory to all. The party continued to bear this name until about 1828, when it was abbreviated to Democratic. A strict construction of the Constitution was advocated by the Democratic-Republicans. They believed in limiting the powers of the government and increasing the strength and influence of the people in the administration of affairs. The people, they said, are the only source of legitimate political power. They were for an extension of suffrage, which at this time was somewhat restricted; and they were very earnest in the advocacy of an economical expenditure of the public money. This was Mr. Jefferson's doctrine—the "Jeffersonian democracy"—and the distinguished Virginian became the leader of the party, and, in fact, may be called the founder of it. He certainly impressed on it his own marked individuality.

Alexander Hamilton, that great financial genius, and John Adams led the Federalists, who were characterized by their broad, free construction of the Constitution, and by their continual efforts to augment the strength of the government. They advocated a liberal expenditure of the public money wherever it would do good to the country; they favored the establishment of a standing army and a navy and the creation of new offices. Both parties had unanimously concurred in the election of Washington to the presidency, but during his administration they were fully developed, and began a severe contest for supremacy.

Jefferson and Hamilton seemed to have developed a bitter antagonism, and neither lost an opportunity to injure the fair fame of the other. In later years Mr. Jefferson wrote, "Hamilton and I were pitted against each other every day in the Cabinet like two fighting-cocks." There is no doubt that Washington was made very unhappy because of the determined hostility of his two principal officials, and moreover was greatly mortified to find his kind remonstrances and exhortations ineffectual in reconciling them. It is indisputable that the President had cause for complaint against Mr. Jefferson, and the wonder is that the latter should have

remained in an administration the measures of which he was opposing, and for which he was continually expressing contempt.

At this period the newspapers of the country were noted for their attacks on public personages, and they "indiscriminately assaulted the most spotless characters, and paid no respect to exalted services or venerable age." The principal Federalist paper in Philadelphia was Fenno's *United States Gazette*, and the leading opposition sheet was the *National Gazette*, edited by Philip Freneau, known as the poet of the Revolution. Freneau was of Huguenot descent—a neat, dapper gentleman of culture, with a sweet voice and captivating smile, who was employed as a translating clerk in the Department of State. His paper made scurrilous attacks on Washington and Hamilton, charging them with endeavoring to form a monarchical government, and even with having used the public funds contrary to law. Washington's receptions were described as "a poor attempt to ape royalty," and Mrs. Washington's levees were sneered at. All the time that his paper was fiercely abusing the President and the Federalist officials Freneau was drawing a salary from the government, and, despite all protests, was sustained and held securely in his place by Secretary of State Jefferson. It is now known that Mr. Jefferson even wrote or inspired some of the most scandalous articles printed in Freneau's *Gazette*, although he always professed great friendship and admiration for the President. It appears that Washington knew this fact, and this knowledge may have prompted him to declare one day in a moment of passion that "Jefferson is a profound hypocrite."

It may be said in excuse of Mr. Jefferson's rather singular behavior at this period of his life, that he had come from a long residence in France, and, in the words of an intimate friend, "he was really a monomaniac on the subject of miscalled French 'democracy.' He was thoroughly imbued with the spirit of the radical French revolutionists." He afterwards recovered from this "fitful fever," and advocated most of the measures that he had opposed while a member of Washington's Cabinet—great and noble measures which restored the public credit,

securely welded the nation, and raised it to a high, honorable place in the estimation of the world.

Washington was re-elected President, and had scarcely entered upon his second term when he was embarrassed by new political complications arising from the French Revolution, which had begun in 1789, and the progress of which had been watched with intense interest by the American people. War against England was declared by the French Republic. Immediately thereafter a strong feeling arose in the United States that this country should become the ally of France, and make common cause with her in the war. The Democratic-Republicans favored the cause of the French revolutionists, although deprecating their ferocity and cruelty. They hoped that eventually good order would be restored in the republic of France, and that it would enjoy the blessings of a free government. Many of the Democratic-Republicans maintained that the Treaty of 1778, which bound the United States and France to offensive as well as defensive alliance, was still in force, and that under it the Americans were obliged in honor to give assistance to the French in their struggle for freedom.

The Federalists, on the other hand, advocated a strict neutrality. They insisted that the treaty with France was nullified by the revolutionary change of government in that country. Shocked at the terrible crimes of the French rulers, and alarmed at their system of disorganization, the Federalists urged Washington to issue a proclamation of neutrality at once, in order that the United States should not be involved in the war. A meeting of the President's Cabinet was called, and as it was found that all the members, including even Secretary Jefferson, were in favor of the proclamation, it was issued. The proclamation is known as Washington's "Declaration of Neutrality." It forbade American citizens to take part in any hostilities on behalf of or against any of the belligerent powers, and warned them against conveying to the dominions of any of the powers any of those articles "deemed contraband by the modern usage of nations."

There is no doubt that the Declaration of Neutrality was a very judicious measure, but it was received by a large number



of the American people with great indignation, and was considered "a stretch of power." A flame of anger seemed to sweep from one State to another. The Democratic-Republican newspapers asserted that the Declaration was unconstitutional, because to forbid war included the power to declare war, and that power belonged only to Congress and could not be exercised by the President. Secretary Hamilton was credited with the authorship of the Declaration, and Freneau called him "the legislative dictator of the Union." Washington was bitterly denounced, and the shower of vile epithets that was poured upon him at this time for his wise and courageous action is a matter of amazement to the student of history.

During this excitement Edmund Genet, commonly called Citizen Genet, who had been appointed by the French Republic Minister to the United States, arrived at Charleston, S. C., in April, 1793. He was enthusiastically welcomed by the Democratic-Republicans, and, doubtless misled by his flattering reception, almost immediately began to urge the people to defy the proclaimed neutrality. He caused privateers to be fitted out to capture English vessels, and performed other unlawful acts. When he reached Philadelphia he was greeted by those who favored the French cause with "the most extravagant marks of joy," but the President gave him a cool reception and informed him that he must cease his violations of neutrality. He persisted in his audacious conduct, however, and for several months was a source of great annoyance, embarrassment, and even danger to the administration, as he was strongly supported by the Democratic-Republicans, who seemed to be in the majority in the country. On one occasion he said that he should "appeal from the government to the people."

The condition of affairs is shown in this extract from a letter written by John Adams: "You certainly never felt the terrorism excited by Genet in 1793, when ten thousand people in the streets of Philadelphia day after day *threatened to drag Washington* out of his house and effect a revolution in the government, or else compel it to declare war in favor of the French Revolution and against England. The coolest and the firmest minds even among the Quakers in Philadelphia have given

their opinions to me that nothing but the yellow-fever, which removed Dr. Hutchinson and Jonathan Dickinson Sergeant from this world, could have saved the United States from a fatal revolution of government."

Genet was recalled upon the demand of Washington, and Congress finally approved of the neutrality measure and passed an act prohibiting the citizens of the United States from all military expeditions, on land or sea, against any foreign nations with which the United States were at peace; and from receiving and acting under any commissions for such hostile purposes.

## CHAPTER XII

A Strong Feeling for War with England.—The Jay Treaty.—Its Ratification by the Senate and Approval by President Washington.—Great Public Disapproval of the Treaty.—The President Assailed with a Storm of Vituperation.—Washington's Farewell Address.—Administration of John Adams.—Trouble with France.—The X. Y. Z. Mission.—The Unpopular Alien and Sedition Laws.—Denunciation of these Laws by the Legislatures of Kentucky and Virginia.—Their Famous Resolutions.—Death of Washington.—The Congressional Funeral Ceremony.

THE intense feeling against England which prevailed in the United States during Genet's visit and for some time thereafter had been developing, it may be said, ever since the former country had refused to carry out certain provisions of the Treaty of Peace of 1783. England, although obligated by the treaty, had declined to evacuate the military posts she had established during the Revolutionary War on the south side of the great Western lakes which form the northern boundary of the United States. By holding these posts she was enabled to control a number of powerful Indian tribes, and to obtain a lucrative trade with them. It was believed that her agents had incited these savages to hostilities against the United States. England had also declined to pay for the many slaves her troops had carried off when they sailed from the country. American ships had been searched and American seamen impressed to serve on British ships of war; and, to crown all, American ships bound for France with grain had been seized by British cruisers and confiscated, thus violating the principle of neutrality firmly held in the United States that "free ships shall make free goods." In regard to this principle it was maintained by the American government that it had been well established by both reason and usage "that when two nations

went to war those who chose to live in peace retained their natural rights to pursue their agriculture, manufactures, and other ordinary vocations; to carry the produce of their industry for exchange to all nations, belligerents or neutrals, as usual; to go and to come freely, without injury or molestation." England sought to justify her action in holding the Western forts on the ground that the United States had neglected to enforce the clauses of the treaty requiring the confiscated estates of the Tories to be returned to them, and requiring the Americans to pay the British merchants all debts contracted before the war; but as to the other obnoxious measures she made no pretence of justification.

It required Washington's utmost efforts to maintain the Declaration of Neutrality. War with England was insisted upon, in Congress and out. England had almost destroyed American commerce; she had deliberately insulted the nation, and continually in her intercourse with it assumed a haughty, irritating manner. It is no wonder, then, that many of the Federalists as well as the Democratic-Republicans raised their voices for war. Congress passed an act laying an embargo on British goods, and acts providing for the raising of a provisional army and the erecting of fortifications to protect the sea-ports. Several measures of severe retaliation were proposed, but during the discussion of them England revoked the order for the capture of American vessels and plainly intimated that she would negotiate a new treaty. Washington, who was very desirous of averting war by any honorable means, immediately commissioned Chief-Justice Jay to go to England to negotiate with the British government.

The treaty which Jay negotiated was the cause of much indignation throughout the United States. After the Senate had confirmed it in June, 1795, an indiscreet Senator gave out a copy for publication. Meetings were immediately held in the principal cities to protest against it, and the President was urged not to affix his signature to the document. The treaty provided that the Western military posts should be speedily evacuated, that compensation should be made for the illegal seizures of American vessels, and that the government of the

United States should hold \$3,000,000 in trust for the payment of the English creditors of the Americans. But the treaty did not forbid the searching of American vessels, which the British government claimed as a right; it did not provide for the payment of slaves carried away, and it restricted the United States in its lucrative commerce with the West Indies. For these reasons the majority of the American people, Democratic-Republicans and Federalists alike, were bitterly opposed to it. Washington believed, however, that the treaty was the best that could be obtained under the existing circumstances, and would at least prevent war, and therefore signed it despite the popular clamor.

Forthwith the Father of his Country was assailed with a storm of vituperation, which for malignity, for indecency and offensiveness, has had no parallel in American political history. The newspapers were filled with scandalous articles about Washington's conduct of public affairs, and on the street, in public meetings, and everywhere that the indignant opponents of the treaty assembled, vile calumnies upon his private life and character were freely and continually uttered. He was called "a panderer to the evil designs of Great Britain"; he was charged with having violated the Constitution in authorizing the negotiation of a treaty without first laying the matter before the Senate, and he was even threatened with impeachment. Thomas Paine had the audacity to write to him that he was "treacherous in private friendship, and a hypocrite in public," and that "the world will be puzzled to decide whether you are an apostate or impostor; whether you have abandoned good principles, or whether you ever had any."

So malevolent and cruel were the accusations and aspersions that Washington exclaimed in great bitterness of spirit, "I would rather be in my grave than in the presidency." In a letter to Jefferson he wrote: "I am accused of being the enemy of America, and subject to the influence of a foreign country, and to prove which every act of my administration is tortured, and the grossest and most insidious misrepresentation of them made by giving one side only of a subject, and that too

in such exaggerated and indecent terms as could scarcely be applied to a Nero, to a notorious defaulter, or even to a common pickpocket."

Jay and Hamilton also came in for a very liberal share of abuse, and the former was hanged in effigy in several cities. Within a year, however, the treaty produced a revival of commerce, and in many ways proved of considerable advantage to the country, and its opponents, we are told, were thoroughly ashamed of themselves for their treatment of the President and his friends.

Having firmly refused a third term of office, Washington, on the 17th of September, 1796, issued a farewell address to the American people in anticipation of his leaving public life forever in the following March. Both houses of Congress made appropriate responses to the President's address, and resolutions of thanks for his "wise, firm, and patriotic administration" were passed.

Washington's Farewell Address is justly regarded as a classic American state paper. It is known that Madison and Hamilton gave some aid to him in its preparation. It is a document of more than six thousand words, and is described by Washington as the "counsels of an old and affectionate friend," who hopes they "may be productive of some partial benefit, some occasional good," and "now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, and to guard against the impostures of pretended patriotism."

In his address Washington first announced his resolution to retire from the presidency, and then said that he had "contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable." He acknowledged a "debt of gratitude" to his country for the many honors conferred on him, and said that if benefits had resulted from his services, "let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amidst appearances sometimes dubious—vicissitudes of fortune often discouraging

—in situations in which not unfrequently want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected.”

He hoped that the Union and the brotherly affection would be perpetual; that the Constitution would be sacredly maintained, and that its administration in every department would be stamped with wisdom and virtue. He declared that respect for the authority of the Constitution, compliance with its laws, acquiescence in its measures, were duties enjoined by the fundamental maxims of true liberty, and that all obstruction to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regulation and action of the constituted authorities, were destructive of this fundamental principle and of fatal tendency.

He urged the preservation of the unity of government which constituted his countrymen one people. “The name of American, which belongs to you in your national capacity,” he said, “must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight differences of opinion, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and successes.” The baneful effects of party spirit he deprecated, as tending to “distract the public councils, enfeeble the public administration, agitate the community with ill-founded jealousies and kindred animosities.” Religion and morality he deemed indispensable supports to political prosperity. He advised good faith towards all nations; but, while cultivating a liberal intercourse with foreign governments, he believed it would be well to guard against the insidious wiles of foreign influence—to have as little political connection with other nations as possible.

In closing Washington said:

“Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sen-

sible of my own defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest." \*

In reviewing the career of the first President, Pitkin, the historian, says: "The personal influence of Washington, due alike to his wisdom, his virtues, and his eminent services, was of the utmost importance in the first working of the new government. During the eight years of his administration all differences with foreign nations had been peaceably settled except those with France; and at home the Indian tribes had been pacified. Public and private credit was restored; ample provision made for the security and ultimate payment of the public debt; American tonnage had nearly doubled; the exports had increased from nineteen to more than fifty-six millions of dollars; the imports in about the same proportion; and the amount of revenue from imports had exceeded the most sanguine calculations. The population had increased from three and a half to five millions; and agriculture and all the industrial interests of the country were in a flourishing state."

When John Adams became President, in 1797, the only drawback to the general prosperity was the trouble with France. President Adams was an earnest Federalist, and fully in sympathy with the neutrality policy of the previous administration. Shortly after his election the French Directory, failing to involve the United States in the European wars, and greatly incensed at the Jay Treaty, authorized the seizure and confiscation of American ships and their cargoes, and peremptorily ordered Charles Cotesworth Pinckney, the American Minister, to quit France. President Adams convened Congress, by proclamation, on the

\* For the full text of Washington's Farewell Address, see Appendix D.



15th of May, 1797, and in a spirited speech gave that body an account of the indignities offered to the United States by the French government. He said that while he intended to make an effort to adjust the differences with France by amicable negotiation, the threatening aspect of affairs rendered it his imperative duty to recommend effectual measures of defence. While Congress was considering the various measures recommended, President Adams commissioned Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry to be envoys to France to settle the points of difference between the two nations. The mission of these envoys is termed "The X. Y. Z. Mission," because these initials were used by agents of the French Directory when they had correspondence with the Americans in regard to paying France a large sum of money "to buy a peace." It was when the demand for a bribe was made by the Frenchmen that Mr. Pinckney is said to have uttered those memorable words, "Millions for defence; not one cent for tribute." Finally, after many insults, the envoys were obliged to leave France without having accomplished anything. Not being able to obtain peace, Congress at once prepared for war, but did not formally declare it. An army was raised and Washington was appointed its commander. Several engagements between American and French ships of war took place. Before the conflict had proceeded very far the French Directory was overthrown, and Napoleon Bonaparte became the ruler of France. Negotiations were begun with him for a treaty, which was made in September, 1800.

What are known as the "Alien and Sedition laws," which were passed by Congress in the summer of 1798, aroused a great deal of indignation, and caused the Federal party, which had advocated them, to become exceedingly unpopular. These laws arose from the trouble with France, and were intended to counteract the schemes of the emissaries of the French Directory who were located in the large cities of the United States, and who continually abused the President and Congress, and excited the opposition of the people to the government. The "Act Concerning Aliens" provided:

"That it shall be lawful for the President of the United

States at any time during the continuance of this act [two years] to order all such aliens as he shall deem dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States within such time as shall be expressed in such order; which order shall be served on such alien by delivering him a copy thereof, or leaving the same at his usual abode. . . . And in case any alien so ordered to depart shall be found at large within the United States after the time limited in such order for his departure, and not having obtained a license from the President to reside therein, or, having obtained such license, shall not have conformed thereto, every such alien shall, on conviction thereof, be imprisoned for a term not exceeding three years, and shall never after be admitted to become a citizen of the United States: Provided always, and be it further enacted, that if any alien, so ordered to depart, shall prove to the satisfaction of the President, by evidence to be taken before such person or persons as the President shall direct, who are for that purpose hereby authorized to administer oaths, that no injury or danger to the United States will arise from suffering such alien to reside therein, the President may grant a license to such alien to remain within the United States for such time as he shall judge proper, and at such place as he shall designate. And the President may also require of such alien to enter into a bond to the United States, in such penal sum as he may direct, with one or more sufficient sureties, to the satisfaction of the person authorized by the President to take the same, conditioned for the good behavior of such alien during his residence in the United States, and not violating his license, which license the President may revoke whenever he shall think proper."

In the "Sedition Law," or, as it was entitled, "An act in addition to the act entitled 'An act for the punishment of certain crimes against the United States,'" it was provided:

"That if any persons shall unlawfully combine or conspire together with intent to oppose any measure or measures of the government of the United States which are or shall be directed

by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person, holding a place or office in or under the government of the United States, from undertaking, performing, or executing his trust or duty, and if any person or persons, with intent as aforesaid, shall counsel, advise, or attempt to procure, any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor, and, on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months, nor exceeding five years; and further, at the discretion of the court, may be holden to find sureties for his good behavior, in such sum and for such time as the said court may direct."

It was also provided :

"That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall, knowingly and willingly, assist or aid in writing, printing, uttering, or publishing, any false, scandalous, and malicious writing or writings against the government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either house of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States; or to stir up sedition within the United States; or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States; or to resist, oppose, or defeat any such law or act; or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people or government; then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished

by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years."

An act was also passed extending the time of residence in the United States for foreigners who desired to be naturalized from five to fourteen years. "Alien enemies" were forbidden naturalization.

The Alien and Sedition laws were passionately denounced by the Democratic-Republicans, who declared that "this unwarranted assumption of power" was indisputable evidence that the Federalists had not the slightest regard for the Constitution. When President Adams, in some notable cases, proceeded to execute the laws, there was an outburst of indignation, and the popularity that the President had gained for the patriotic stand he had taken in regard to France rapidly diminished. The great objection to the Alien Law was that it gave the President the power to judge and decide without employing the usual forms of law, and this power, it was believed, was very likely to be abused. The Federalists held that the persons liable under the law were not citizens and had no just claims to a residence in the United States, and that the opinions they expressed and the action they took endangered the welfare of the nation for which it was the imperative duty of Congress to provide. The Sedition Law, it was claimed by its opponents, would restrict the liberty of speech and of the press, and was an arbitrary interference with the right of citizens to utter their opinions freely on public measures.

The disfavor in which the Alien and Sedition laws were held by the people generally gave the Democratic-Republicans an opportunity to defeat the Federalists, and secure control of the government. They began the work by endeavoring to have the State legislatures make strong protests against the laws. With this end in view a series of resolutions, the original draft of which was written by Thomas Jefferson, then Vice-President of the United States, was passed by the General Assembly of Kentucky in 1798; and another series, prepared by James Madison, was passed by the General Assembly of Virginia in the same year.

The Kentucky resolutions, which were passed on November

10, 1798, were penned by Mr. Jefferson at the urgent solicitation of prominent Democratic-Republicans. He did not wish to be known as their author, and exacted a solemn pledge of secrecy, which was faithfully kept for twenty years. The first resolution made this declaration :

*“Resolved*, That the several states composing the United States of America are not united on the principle of unlimited submission to their general government; but that by compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each State acceded as a State, and is an integral party; that this government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.”

Having thus defined the limitations of the federal government and the rights of the states, the resolutions next declared that the Alien and Sedition acts were “not law,” but were “altogether void and of no force,” because they referred to powers not delegated to the federal government by the states, but which were expressly reserved to the states or the people by one of the amendments to the Constitution.

It was asserted that the Commonwealth of Kentucky was determined “to submit to undelegated and consequently unlimited powers in no man or body of men on earth.” It was then declared :

“That if the acts before specified should stand, these conclusions would flow from them: that the general government may place any act they think proper on the list of crimes and punish it themselves, whether enumerated or not enumerated by the

Constitution as cognizable by them; that they may transfer its cognizance to the President or any other person, who may himself be the accuser, counsel, judge, and jury; whose suspicion may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction."

Thus the "barriers of the Constitution would be swept away," and, the resolutions proclaimed, "no rampart" would remain "against the passions and the powers of a majority in Congress." Acts of this character, "unless arrested on the threshold," it was avowed, "may tend to drive these states into revolution and blood."

In conclusion, Kentucky called upon "its co-states for an expression of their sentiments" on the obnoxious acts—"whether they are or are not authorized by the federal compact."

Mr. Madison's resolutions were passed by the General Assembly of Virginia on December 21, 1798. After expressing "a firm resolution" to maintain and defend the Constitution of the United States, and declaring a warm attachment to the Union of the states, the resolutions "explicitly and peremptorily" declare that the powers of the federal government, resulting from the compact to which the states are parties, are limited to the plain sense and intention of the compact, and are no further valid than they are authorized by the grants enumerated in that instrument; and that in case of "a deliberate, palpable, and dangerous exercise of other powers," not granted by the Constitution, "the states have the right and are in duty bound to interfere, for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them." Deep regret is expressed that a spirit had been manifested by the federal government to enlarge its powers by "forced constructions of the constitutional chart which defines them," the inevitable result of which would be, it is asserted, "to transform the present republican system of the United States into an absolute or, at best, a mixed monarchy."

A protest is made against the Alien and Sedition laws, which, it is declared, exercise powers not delegated to the fed-

eral government, and the other states are appealed to, "in confidence that they will concur with this Commonwealth in declaring, as it does hereby declare, that the aforesaid acts are unconstitutional; and that the necessary and proper measures will be taken by each for co-operating with this State, in maintaining unimpaired the authorities, rights, and liberties reserved to the states respectively, or to the people."

An address to the people, also written by Mr. Madison, accompanied the resolutions. It called attention to "encroachments which, though clothed with the pretext of necessity, or disguised by arguments of expediency, may yet establish precedents, which may ultimately devote a generous people to all the consequences of usurped power."

The Kentucky and Virginia resolutions were sent to all the State legislatures, and responses were received from the legislatures of Maryland, Delaware, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, New Hampshire, and Vermont. Not one of these legislatures approved of the doctrine enunciated by Kentucky and Virginia that a State legislature had the right to decide upon the validity of an act of Congress. They all maintained the constitutionality of the Alien and Sedition laws, and declared that the existing condition of affairs justified their enactment.

The Kentucky Assembly, after the responses had been duly considered, passed another set of resolutions, in reference to what her sister states had said of the stand she had taken, in which occurred the following passage:

"*Resolved*, That this Commonwealth considers the federal union upon the terms and for the purposes specified in the late compact, as conducive to the liberty and happiness of the several states. That it does now unequivocally declare its attachment to the Union, and to that compact, agreeably to its obvious and real intention, and will be among the last to seek its dissolution. That if those who administer the general government be permitted to transgress the limits fixed by that compact, by a total disregard of the special delegations of power therein contained, an annihilation of the State governments, and the creation upon their ruins of a general consolidated government, will be the

inevitable consequence. That the principle and construction contended for by sundry of the State legislatures, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism—since the discretion of those who administer the government, and not the Constitution, would be the measure of their powers. That the several states who formed that instrument, being sovereign and independent, have the unquestionable right to judge of the infraction; and that a nullification by those sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy. That this Commonwealth does, under the most deliberate reconsideration, declare that the said Alien and Sedition laws are, in its opinion, palpable violations of the said Constitution; and however cheerfully it may be disposed to surrender its opinion to a majority of its sister states in matters of ordinary or doubtful policy, yet in momentous regulations like the present, which so vitally wound the best rights of the citizen, it would consider a silent acquiescence as highly criminal. That although this Commonwealth, as a party to the federal compact, will bow to the laws of the Union, yet it does at the same time declare that it will not now, or ever hereafter, cease to oppose in a constitutional manner every attempt, at what quarter soever offered, to violate that compact. And, finally, in order that no pretext or arguments may be drawn from a supposed acquiescence on the part of this Commonwealth in the constitutionality of those laws, and be thereby used as precedents for similar future violations of the federal compact, this Commonwealth does now enter against them its solemn protest.”

Thirty-two years afterwards, when the State of South Carolina had made a bold stand for nullification, and had founded in part on the Kentucky and Virginia resolutions her claim to the right to nullify an act of Congress that did not suit her, and even to secede from the Union if the claim were not allowed, Mr. Madison, who had survived Mr. Jefferson, wrote a letter to a friend in condemnation of the nullification theory, and in defence of himself and Mr. Jefferson, against the construction given to the resolutions of 1798 by the advocates of State rights.



In acknowledging the receipt of some South Carolina newspapers, he said:

“There is in one of them some interesting views of the doctrine of secession, among which one that had occurred to me, and which for the first time I have seen in print—namely, that if one State can at will withdraw from the others, the others can withdraw from her and turn her, *volentem volentem*, out of the Union. Until of late there is not a State that would have abhorred such a doctrine more than South Carolina, or more dreaded an application of it to herself. The same may be said of the doctrine of nullification, which she now preaches as the only doctrine by which the Union can be saved.

“I partake of the wonder that the men you name should view secession in the light mentioned. The essential difference between a free government and governments not free is, that the former is founded in compact, the parties to which are mutually and equally bound by it. Neither of them, therefore, can have a greater right to break off from the bargain than the other or others have to hold him to it. And certainly there is nothing in the Virginia resolutions of '98 adverse to this principle, which is that of common-sense and common justice. The fallacy which draws a different conclusion from them lies in confounding a single party with the parties to the constitutional compact of the United States. The latter, having made the compact, may do what they will with it. The former, as one of the parties, owes fidelity to it till released by consent, or absolved by an intolerable abuse of the power created. In the Virginia resolutions and report the plural number (states) is in every instance used whenever reference is made to the authority which presided over the government. As I am now known to have drawn those documents, I may say, as I do with a distinct recollection, that it was intentional. It was, in fact, required by the course of reasoning employed on the occasion. The Kentucky resolutions, being less guarded, have been more easily perverted. The pretext for the liberty taken with those of Virginia is the word ‘respective’ prefixed to the ‘rights,’ etc., to be secured within the states. Could the abuse of the expression have been foreseen or suspected, the form of it would

doubtless have been varied. But what can be more consistent with common-sense than that all having the rights, etc., should unite in contending for the security of them to each?

“It is remarkable how closely the nullifiers, who make the name of Mr. Jefferson the pedestal for their colossal heresy, close their eyes and lips whenever his authority is ever so clearly and emphatically against them. You have noticed what he says in his letters to Monroe and Carrington with respect to the power of the old Congress to coerce delinquent states; and his reasons for preferring for the purpose a naval to a military force; and, moreover, his remark that it was not necessary to find a right to coerce in the federal articles, that being inherent in the nature of a compact. It is high time that the claim to secede at will should be put down by the public opinion, and I am glad to see the task commenced by one who understands the subject.”

On the 14th of December, 1799, Washington died at his Virginia home. When the news was received in Congress both houses immediately adjourned. As soon as the House of Representatives had assembled the next day, John Marshall, then a Representative from Virginia and afterwards Chief-Justice of the United States for thirty-four years, rose and made an address, in which he said: “Our Washington is no more! The hero, the patriot, and the sage of America; the man on whom in times of danger every eye was turned and all hopes placed lives now only in his own great actions and in the hearts of an affectionate and afflicted people.” He briefly described the public life of Washington, and then offered resolutions prepared by Gen. Henry Lee, a Representative from Virginia, which were passed, as follows:

“Unanimously resolved:

“1. That this House will wait on the President of the United States in condolence of this national calamity.

“2. That the Speaker’s chair be shrouded with black, and that the members and officers of the House wear mourning during the session.

“3. That a joint committee of both houses be appointed to

report measures suitable to the occasion, and expressive of the profound sorrow with which Congress is penetrated on the loss of a citizen first in war, first in peace, and first in the hearts of his countrymen."

There were similar proceedings in the Senate. The joint committee that was appointed reported a series of resolutions, which was passed, providing for the erection of a marble monument to commemorate the great events in the military and political life of Washington; for a funeral procession from Congress Hall to the German Lutheran Church, on the 26th of December; and for an oration to be delivered before both houses of Congress on that day by a member. It was recommended to the people of the United States to wear crape on their left arms as mourning for thirty days; and the President of the United States was requested to send a copy of the resolutions to Mrs. Washington with a letter of condolence. The funeral ceremony was carried out as Congress had resolved, the oration being delivered by Gen. Henry Lee. In the oration were these words:

"First in war, first in peace, and first in the hearts of his countrymen, he was second to none in the humble and endearing scenes of private life; pious, just, humane, temperate, and sincere, uniform, dignified, and commanding, his example was as edifying to all around him as were the effects of that example lasting. To his equals he was condescending; to his inferiors kind; and to the dear object of his affections exemplarily tender. Correct throughout, vice shuddered in his presence, and virtue always felt his fostering hand; the purity of his private character gave effulgence to his public virtues. His last scene comported with the whole tenor of his life. Although in extreme pain, not a sigh, not a groan escaped him; and with undisturbed serenity he closed his well-spent life. Such was the man America has lost; such was the man whom our nation mourns."

## CHAPTER XIII

The District of Columbia.—Removal of Congress to the New Federal City on the Potomac.—Establishing the Permanent Seat of the Government.—The Agreement with the Original Landholders.—Pierre L'Enfant, the Designer of the City of Washington.—The Plan of the Capitol.—Laying the Corner-stone.—Appearance of the Federal City in 1800.—President Adams's Welcoming Speech to Congress.—Defeat of the Federalists.—Jefferson Chosen President by the House of Representatives.—“Adams's Midnight Judges.”—Inauguration of President Jefferson.—His Inaugural Address.

IN June, 1800, the government removed from Philadelphia, where it had been pleasantly situated for ten years, to the new “Federal City” on the banks of the Potomac. The district in which the city was located had been selected by President Washington in 1791, under the authority given him by the act of Congress locating the permanent seat of the government. After a careful examination of the region to which the selection was limited Washington chose that part of Maryland and Virginia afterwards known as the District of Columbia, and directed that on the wide, undulating plain lying between the Eastern Branch of the Potomac (sometimes called the Anacostia River) and Rock Creek the National Capital should be laid out. At first the District of Columbia was ten miles square, or one hundred square miles, and contained 64,000 acres. It comprised one county in Maryland and one county in Virginia, between which flowed the Potomac. The land was ceded to the United States by the two states named. At the northwest was Georgetown, and at the southwest was the ancient city of Alexandria. In 1846 all the land on the western side of the Potomac was retroceded to the State of Virginia, and in consequence the District at present contains only sixty-four square miles. Washington was empowered to ap-

point a board of commissioners to survey and lay out the District, and Congress directed that suitable buildings should be erected for the use of the government.

The commissioners appointed were Gen. Thomas Johnson, who had been Washington's intimate friend during the Revolution; Dr. David Stuart, of Virginia; and Daniel Carroll, a member of the illustrious Carroll family of Maryland. On the 15th of April, 1791, the commissioners laid the first boundary-stone of the District at Jones's Point, on the Virginia side of the Potomac, with Masonic ceremony, in the presence of a large assemblage. Washington personally directed the arduous work of laying out the new city. He had a number of conferences with the proprietors of the land, who were, with a few exceptions, humble farmers and fishermen greatly excited at the prospect of acquiring wealth from the coming of the government among them. The result of these conferences was an agreement by which the landholders ceded to the government about 7000 acres to be laid off as a city. The agreement, which was signed on the 12th of April, 1791, was as follows:

"We, the subscribers, in consideration of the great benefits we expect to derive from having the Federal City laid off upon our lands, do hereby agree and bind ourselves, heirs, executors, and administrators, to convey in trust to the President of the United States, or commissioners, or such person or persons as he shall appoint, by good and sufficient deeds, in fee simple, the whole of our respective lands which he may think proper to include within the lines of the Federal City, for the purposes and the conditions following:

"The President shall have the sole power of directing the Federal City to be laid off in what manner he pleases.

"He may retain any number of squares he may think proper for public improvements or other public uses; and the lots only, which shall be laid off, shall be a joint property between the trustees on behalf of the public and each present proprietor; and the same shall be fairly and equally divided between the public and the individuals, as soon as may be, the city shall be laid off.

“For the streets the proprietors shall receive no compensation, but for the squares or lands in any form which shall be taken for public buildings, or any kind of public improvements or uses, the proprietors whose lands shall be taken shall receive at the rate of £25 per acre [in Maryland money \$66.66], to be paid by the public.”

The commissioners decided that the Federal City should be named the “City of Washington,” in honor of the first President. The plan of the city was made by Major Pierre Charles L’Enfant, the young French engineer and architect who had reconstructed the buildings in New York and Philadelphia used by Congress, and was on a scale of magnificence. It provided for broad streets and grand transverse avenues miles in length, for parks and public reservations on which the government buildings could be erected, for statues, fountains, memorial structures, etc. At the eastern end of the city, on a hill-top ninety feet above the Potomac, the building for Congress was to be erected. It was to be named “the Capitol,” and it was intended to have it of grand, classic shape, with a high, central dome. At the western end of the city the house for the President was to be located, and near this were to be the buildings for the executive departments. L’Enfant was appointed to superintend the execution of his plan, and for a time the work went forward rapidly under his competent supervision. The states of Maryland and Virginia had made liberal loans to the government for the purpose of aiding in the laying out of the city, but there was no other money available. Washington, therefore, was eager to have the public sale of lots, which would provide a source of revenue, begin as soon as possible. L’Enfant was directed to furnish a copy of his plan to the commissioners, that it might be engraved and published for the use of those who intended to purchase lots. He declined to do so, declaring that if his plan were published the best land in his “vistas and architectural squares” would doubtless be purchased by speculators, who would be likely to “raise huddles of shanties and permanently disfigure the city.” In consequence of this refusal, and as he was overbearing in his treatment of the commissioners and others, he was dismissed

from the public service. His plan, however, was carried forward by Andrew Ellicott, one of his assistants, and under Ellicott's direction the city was made ready for the government.

In March, 1792, the commissioners advertised in the newspapers of Philadelphia, Boston, and New York that they would give a lot in the city of Washington and \$500 to the person who should "produce to them the most approved plan for a Capitol to be erected in the city of Washington." In response to the advertisement sixteen plans were submitted, but they were all rejected because they did not meet the requirements. Some time later Stephen Hallett, a prominent French architect residing in New York, who had designed a number of public buildings, submitted a plan which met with great favor. The commissioners requested him to perfect his plan, which was only outlined, and he then visited the city of Washington and carefully examined the site chosen for the building, afterwards returning to New York, where he worked for weeks developing his plan.

There was at this time in New York, in the service of the government, a talented Englishman named William Thornton, who was highly esteemed by Thomas Jefferson, then Secretary of State. Thornton drew a plan of the Capitol with all the parts elaborated and finely colored. He submitted the plan to Jefferson, who became at once very enthusiastic about it and laid it before President Washington. The President thought it was admirable, and said it combined "grandeur, simplicity, and convenience." He wrote to the commissioners requesting them to adopt Thornton's plan in preference to Hallett's, but charged them to do it "with delicacy." Hallett was immediately informed of the change, and the commissioners sent him a copy of the new plan. As soon as he had seen it he declared that Thornton had stolen it from his (Hallett's) original designs which he had presented to the commissioners some weeks before. Thornton made an emphatic denial of Hallett's charge, and for a month or so the two men waged a bitter warfare in their efforts to establish their claims. At last the commissioners accepted Thornton's plan, and he was awarded the first premium. Hallett re-

ceived a premium of \$250, and was also appointed one of the architects of the Capitol with a yearly salary of \$2000.

The supervising architect of the Capitol was James Hoban, a talented young Irishman who had been in the United States for about ten years. His plan of the President's house had been accepted, and he had been engaged at a large salary to superintend the erection of the government buildings. It was decided to construct the Capitol of Virginia sandstone instead of brick, as was at first purposed, and the stone was obtained from a quarry on Aquia Creek. The work of construction was carried on energetically, and on September 18, 1793, the corner-stone of the legislative building of the thriving young American nation was laid.

The only account known to exist of the ceremony of laying the corner-stone of the Capitol is to be found in the *Alexandria Gazette*, of September 25, 1793. The account is herewith exactly reproduced, as follows :

“ GEORGETOWN, Sept. 21.

“ On Wednesday last one of the grandest Masonic processions took place which, perhaps, ever was exhibited on the like important occasion. It was, in all probability, much facilitated by an advertisement which appeared many days before in several newspapers of this date. Lodge No. 9 and Lodge No. 22, with all their officers and regalia, appeared on the southern bank of the Grand River Potomack ; one of the finest companies of Volunteer Artillery parading to receive the President of the United States, who shortly came in sight with his suite, to whom the artillery paid military honors, and his Excellency and suite crossed the river and were received in Maryland by the officers and brethren of No. 22 Virginia and No. 9 Maryland, whom the President headed ; and preceded by a band of music, with the rear brought up by the Alexandria Volunteer Artillery, with grand solemnity of march proceeded to the President's Square in the City of Washington, where they were met and saluted by Lodge No. 15 of the city in all their elegant regalia, headed by Bro. Joseph Clark, Rt. W. G. M., and conducted to a large lodge prepared for the purpose of their reception. After a short space of time the brotherhood and other bodies were disposed in a second procession, which took place amid a brilliant crowd of both sexes according to the following arrangement : The Surveying Department of the City of Washington ; Mayor and Corporation of Georgetown ; Virginia Artillery ; Commissioners of the City of Washington and their Attendants ; Stone Cutters ; Mechanics ; two Sword Bearers ; Masons of the First Degree ; Bibles, etc., on Grand Cushions ; Deacons with Staffs of Office ; Masons of the Second Degree ; Stewards with Wands ; Wardens with Truncheons ; Secretaries with



Tools of Office ; Past Masters with their Regalia ; Treasurers with their Jewels ; Bands of Music ; Lodge No. 22 of Virginia, disposed in their own order ; Corn, Wine, and Oil ; Grand Master P. T. ; George Washington ; W. M. No. 22, Virginia ; Grand Sword Bearer.

“ The procession marched two abreast in the greatest solemn dignity, with music playing, drums beating, colors flying, and spectators rejoicing, from the President's Square to the Capitol in the city of Washington, where the Grand Marshal ordered a halt, and directed each file in the procession to incline two steps, one to the right and one to the left, and face each other, which formed a hollow oblong square, through which the Grand Sword Bearer led the van, followed by the Grand Master P. T. on the left, the President of the United States in the centre, and the Worshipful Master of No. 22, Virginia, on the right. All the other orders that composed the procession advanced in the reverse of their order of march from the President's Square to the southeast corner of the Capitol, and the artillery filed off to a destined ground to display their manœuvres and discharge their cannon. The President of the United States, the Grand Master P. T., and the Worshipful Master of No. 22 took their stands to the east of a huge stone, and all the craft, forming in a circle westward, stood a short time in silent, awful order.

“ The artillery discharged a volley. The Grand Marshal delivered the commissioners a large silver plate with an inscription thereon, which the commissioners ordered to be read, and was as follows :

“ ‘ This southeast corner-stone of the Capitol of the United States of America in the city of Washington was laid on the 18th day of September, 1793, in the 13th year of American Independence, in the first year of the second term of the Presidency of George Washington, whose virtues in the civil administration of his country have been as conspicuous and beneficial as his military valor and prudence have been useful in establishing her liberties, and in the year of Masonry 5793, by the President of the United States in concert with the Grand Lodge of Maryland, several lodges under its jurisdiction, and Lodge No. 22, from Alexandria, Virginia.

“ ‘ THOMAS JOHNSON,	} <i>Commissioners.</i>
“ ‘ DAVID STUART,	
“ ‘ DANIEL CARROLL,	
“ ‘ JOSEPH CLARK, <i>R. W. G. M. P. T.</i>	
“ ‘ JAMES HOBAN,	} <i>Architects.</i>
“ ‘ STEPHEN HALLATE	
“ ‘ COLLEN WILLIAMSON, <i>M. Mason.</i>	

“ The artillery discharged a volley. The plate was then delivered to the President, who, attended by the Grand Master P. T. and three most worshipful masters, descended to the caisson trench and deposited the plate, and laid it on the corner stone of the Capitol of the United States of America, on which was deposited corn, wine, and oil. Then the whole congregation joined in prayer, which was succeeded by Masonic chanting honors and a volley from

the artillery. The President of the United States and his attendant brethren ascended from the caisson to the east of the corner-stone, and there the Grand Master P. T., elevated on a triple rostrum, delivered an oration, after which there was more Masonic chanting and a 15th volley from the artillery.

“The whole company retired to an extensive booth, where an ox of 500 lbs. was barbecued, of which the company generally partook, with every abundance of other recreation. The festival concluded with fifteen successive volleys from the artillery, and before dark the whole company departed with joyful hopes of the production of their labor.”

Congress had made an appropriation of \$46,923 “for the necessary expense of the removal” to the city of Washington, and in June, 1800, the records, papers, office furniture, etc., of the government departments were bestowed on “packet sloops” at Philadelphia and conveyed to the new city. We are told that “when the vessels laden with the government property were seen slowly sailing up the Potomac, most of the people of Washington gathered on the river-bank and gave them a warm welcome.” The officials and clerks, numbering in all not more than two hundred, went to Washington in lumbering stage-coaches, arriving after a hard, tedious journey of nearly a week. They had many exciting adventures on the way; and Mrs. Adams, the wife of President John Adams, relates in one of her letters to her daughter that she was lost in the woods while going to the city. She says: “After leaving Baltimore we wandered about for two hours without finding a guide or a path. Woods are all you can see from the time you leave Baltimore until you reach the city, which is so only in name. Here and there is a small cot, without a glass window, interspersed among the forests, through which you travel for miles without seeing a human being.”

This new national “city of magnificent distances,” as the Abbé Correa de Serra, the Minister from Portugal, called it; this “wilderness city set in a mud-hole almost equal to the great Serbonian bog,” as another graphically described it, was exceedingly disagreeable to the government officials after their pleasant life in Philadelphia, and they said some very harsh things about it. It was, in fact, quite the custom to sneer at and deride “Washington’s city on the Potomac,” as many called it, and those in particular who had opposed the location of the

seat of government in the South were very merry over the city's "mean and disgusting appearance, without one solitary attractive feature."

In 1807 Isaac Weld published his *Travels Through North America*. In the book is this description of the city of Washington:

"Were the houses that have been built situated in one place, all together, they would make a very respectable appearance; but scattered about as they are a spectator can scarcely perceive anything like a town. Excepting the streets and avenues and a small part of the ground adjoining the public buildings, the whole place is covered with trees. To be under the necessity of going through a deep wood, for one or two miles perhaps, in order to see a next-door neighbor, and in the same city, is a curious and, I believe, a novel circumstance. The number of inhabitants is 5000. The people who are opposed to the building of the city of Washington maintain that it can never be a town of any importance, and that all such as think to the contrary have been led astray by the representations of a few enthusiastic persons."

Mr. Weld says, however, that "there is good foundation for thinking that the Federal City will increase most rapidly, and that at a future day, if the affairs of the United States go on as prosperously as they have done, it will become the grand emporium of the West, and rival in magnitude and splendor the cities of the whole world."

What is thought to be an accurate description of Washington, as it appeared in 1800, was written by John Cotton Smith, a member of Congress from Connecticut, who said:

"Our approach to the city was accompanied with sensations not easily described. One wing of the Capitol only had been erected, which, with the President's house, a mile distant from it, both constructed with white sandstone, were shining objects in dismal contrast with the scene around them. Instead of recognizing the avenues and streets portrayed on the plan of the city, not one was visible, unless we except a road, with two buildings on each side of it, called the New Jersey Avenue. The Pennsylvania Avenue, leading, as laid down on

paper, from the Capitol to the presidential mansion, was nearly the whole distance a deep morass covered with elder-bushes, which were cut through to the President's house; and near Georgetown a block of houses had been erected which bore the name of the 'six buildings.' There were also two other blocks consisting of two or three dwelling-houses in different directions, and now and then an insulated wooden habitation; the intervening spaces, and, indeed, the surface of the city generally, being covered with scrub-oak bushes on the higher grounds, and on the marshy soil either trees or some sort of shrubbery. The desolate aspect of the place was not a little augmented by a number of unfinished edifices at Greenleaf's Point, and on an eminence a short distance from it, commenced by an individual whose name they bore, but the state of whose funds compelled him to abandon them. There appeared to be but two really comfortable habitations in all respects within the bounds of the city, one of which belonged to Daniel Carroll and the other to Notley Young. The roads in every direction were muddy and unimproved. In short, it was a new settlement."

In this "new settlement" the Sixth Congress began its second session on the 17th of November, 1800. The north wing of the Capitol, in which the session was held, was in a very incomplete condition, and both houses were crowded into narrow, badly arranged apartments. President Adams, in his address to Congress on the opening day, made the following impressive remarks:

"I congratulate the people of the United States on the assembling of Congress at the permanent seat of their government; and I congratulate you, gentlemen, on the prospect of a residence not to be changed. Although there is cause to apprehend that accommodations are not now so complete as might be wished, yet there is great reason to believe that this inconvenience will cease with the present session.

"It would be unbecoming the representatives of this nation to assemble, for the first time, in this solemn temple, without looking up to the Supreme Ruler of the Universe, and imploring his blessing.

"May this territory be the residence of virtue and happi-

ness! In this city may that piety and virtue, that wisdom and magnanimity, that constancy and self-government which adorned the great character whose name it bears be forever held in veneration! Here, and throughout our country, may simple manners, pure morals, and true religion flourish forever!

“It is with you, gentlemen, to consider whether the local powers over the District of Columbia, vested by the Constitution in the Congress of the United States, shall be immediately exercised. If, in your opinion, this important trust ought now to be executed, you cannot fail, while performing it, to take into view the future probable situation of the territory for the happiness of which you are about to provide. You will consider it as the capital of a great nation, advancing with unexampled rapidity in arts, in commerce, in wealth, and in population; and possessing within itself those energies and resources which, if not thrown away, or lamentably misdirected, will secure to it a long course of prosperity and self-government.”

The Federalists had a small majority in the Sixth Congress, but it was quite evident that the political control of the country, which they had held ever since the constitutional government went into operation, was slipping from them. The Alien and Sedition laws, which had been rigorously enforced by President Adams, had driven many of the foreign-born citizens into the ranks of the Democratic-Republicans; and other unpopular measures, together with jealousies, divisions, and sectional bitterness, had caused the wreck of the once all-powerful Federalist party. In the presidential campaign of 1800, which was one of the most exciting ever known, the Federalists had John Adams and Charles Cotesworth Pinckney as candidates for President and Vice-President, and the Democratic-Republicans had Thomas Jefferson (then Vice-President) and Aaron Burr. The last-named had served with distinction in the Revolution, had been United States Senator from New York, and was considered the ablest political manager in that State.

The presidential election resulted in a victory for the Democratic-Republicans, who obtained seventy-three electors, and the Federalists sixty-five. The Constitution then made it necessary for each presidential elector to vote for two persons

without designating which was to be President and which Vice-President. The person receiving the highest number of votes was to be President, and the next highest Vice-President. When the electoral votes were cast, by Burr's adroit management Jefferson and Burr had an equal number, and therefore, as neither was highest, the choice of a President devolved on the House of Representatives. By an amendment to the Constitution, in 1804, the electors are now required to vote separately for President and Vice-President.

Amid great excitement the House of Representatives began to ballot for a President on the 11th of February, 1801. There were 106 members of the House from sixteen states. Each State had one vote, and a majority of the states was necessary to a choice. The House sat with closed doors, and the balloting went on continuously day and night with an occasional recess. No other business was done until this matter was disposed of. All the members of a State sat together, and duplicate statements of the vote of each State were prepared and cast into two different ballot-boxes, which were handed around by the Sergeant-at-Arms. Two sets of tellers then counted the contents of the boxes and announced the result. On the first ballot eight states voted for Mr. Jefferson, and six for Colonel Burr. The states for Mr. Jefferson were New York, Pennsylvania, New Jersey, North Carolina, Virginia, Kentucky, Georgia, and Tennessee. The states for Colonel Burr were New Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware, and South Carolina. Two states, Vermont and Maryland, were divided and could not vote. There was no change in this result until the thirty-sixth ballot was taken on the 17th of February, when Mr. Jefferson was elected President by the votes of ten states.

During the balloting the excitement in the country was intense. It was believed by many that the Federalists, who were mostly voting for Colonel Burr, intended to prevent the election of a President until after the 4th of March, when they would usurp the office by making Chief-Justice Marshall the chief magistrate. They would then establish a sort of limited monarchy, it was said. The Federalists denounced Mr. Jefferson in severe

terms. They charged him with crime, they called him an infidel, and it was even said that if he were elected President the Bibles would be taken from the people. Finally, on February 17th, James A. Bayard, of Delaware, the leader of the Federalists in the House, foreseeing, as he says, "that a crisis was coming, and being determined to make a President," arranged a plan to end the exciting contest. He had contrived to lay hold of all the doubtful votes in the House, and thus was enabled to protract or to terminate the struggle. He resolved, however, "before surrendering, to obtain the best terms of capitulation," and received from Mr. Jefferson the assurance that if he were elected President he would support the public credit, maintain the naval system, and not remove from office "on the ground of their political character" the subordinate public officers "employed only in the execution of details." Mr. Bayard arranged that on the thirty-sixth ballot Vermont and Maryland should be unanimous and declare for Mr. Jefferson, and thus he was elected.

Just before the close of what has been called "the stormy and turbulent administration" of John Adams, the Federalists in Congress passed an act creating twenty-three additional United States courts throughout the country. There was no immediate need of this increase of courts, but the act was passed in order that judges who would care for the interest of the Federal party might be appointed by President Adams. It was then generally understood that midnight of the 3d of March was the time when the old administration ceased and the new one came in. The Court Act was passed so late that the arrival of the hour when President Adams's term expired found Secretary of State Marshall with most of the commissions for the judges unsigned. He was busily engaged signing them when Levi Lincoln, of Massachusetts, who had been selected for Attorney-general by Mr. Jefferson, walked into the Department of State and said to the Secretary:

"I have been ordered by the President-elect to take possession of this office and its papers."

"Why, Mr. Jefferson has not qualified!" exclaimed the Secretary.

"That is true," was the reply; "but he considers himself in

the light of an executor bound to take charge of the papers of the government until he is duly qualified."

"But it is not midnight yet," said Secretary Marshall, pulling out his watch.

Mr. Lincoln produced a fine Swiss chronometer, and showing it to the Secretary said, "This is the President's watch, and it rules the hour."

Secretary Marshall saw that the hands of the watch pointed to midnight, and without another word he retired, casting a sorrowful look upon the unsigned commissions lying on the table. He afterwards said that he was not allowed to pick up anything but his hat. He had, however, several signed commissions in his pocket, and those who received them were always known as "Adams's midnight judges."

Mr. Jefferson was inaugurated President of the United States on March 4, 1801. He was the first President to be inaugurated in the city of Washington. It is often related that he rode unattended to the Capitol on his favorite horse "Wild-air" to take the oath of office, but such does not seem to be the fact. In the *National Intelligencer*, which had been established in Washington only a few weeks before the inauguration by Samuel Harrison Smith, a leading journalist of Philadelphia, and which was the official organ of the new administration, the following account of the inauguration is given in the issue of March 6, 1801:

#### "JEFFERSON'S INAUGURATION.

"At an early hour on Wednesday (March 4) the city of Washington presented a spectacle of uncommon animation, occasioned by the addition to its usual population of a large body of citizens from the adjacent districts. A discharge from the company of Washington artillery ushered in the day; and about 10 o'clock the Alexandria company of riflemen, with the company of artillery, paraded in front of the President's lodgings.

"At 12 o'clock, Thomas Jefferson, accompanied by a number of his fellow-citizens, among whom were many members of Congress, repaired to the Capitol. His dress was, as usual, that of a plain citizen, without any distinctive badge of office.

"He entered the Capitol under a discharge from the artillery.

"On his entry into the Senate Chamber, where were assembled the Senate and the members of the House of Representatives, the members rose, and Mr. Burr left the chair of the Senate, which Mr. Jefferson took.



"After a few moments of silence, Mr. Jefferson rose and delivered his address before the largest concourse of citizens ever assembled there. Having seated himself for a short period he again rose and approached the Clerk's table, when the oath of office was administered by the Chief-Justice; after which he retired to his lodgings, accompanied by the Vice-President, Chief-Justice, and the heads of the departments, where he was waited on by a number of distinguished citizens.

"As soon as he withdrew, a discharge of artillery was made. The remainder of the day was devoted to purposes of festivity, and at night there was a pretty general illumination."

Thus was accomplished what was called "a great political revolution." The Federalists, after controlling the government for twelve years, gave place to the Democratic-Republicans, who remained in control until the inauguration of William Henry Harrison as President in 1841.

The following is President Jefferson's inaugural address:

"FRIENDS AND FELLOW-CITIZENS,—Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled to express my grateful thanks for the favor with which they have been pleased to look towards me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land; traversing all the seas with the rich productions of their industry; engaged in commerce with nations who feel power and forget right; advancing rapidly to destinies beyond the reach of mortal eye—when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many whom I here see remind me that, in the other high authorities provided by our Constitution I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked, amid the conflicting elements of a troubled world.

"During the contest of opinion through which we have passed, the animation of discussion and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely, and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the Constitution, all will of course arrange themselves

under the will of the law, and unite in common efforts for the common good. All too will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable ; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. Let us, then, fellow-citizens, unite with one heart and one mind, let us restore to social intercourse that harmony and affection without which liberty, and even life itself, are but dreary things. And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic as wicked, and capable of as bitter and bloody persecutions.

“During the throes and convulsions of the ancient world—during the agonizing spasms of infuriated man, seeking, through blood and slaughter, his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore—that this should be more felt and feared by some, and less by others, and should divide opinions as to measures of safety. But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans ; we are all Federalists. If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed, as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear a republican government cannot be strong—that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this government, the world’s best hope, may by possibility want energy to preserve itself ? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others ? Or have we found angels in the form of kings to govern him ? Let history answer this question.

“Let us, then, with courage and confidence pursue our own federal and republican principles—our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe ; too high-minded to endure the degradations of the others ; possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation ; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens ; resulting not from birth, but from our actions, and their sense of them ; enlightened by a benign religion, professed, indeed, and practised in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man—acknowledging and adoring an overruling Providence, which, by all its dispensations, proves that it delights in the happiness of man here and his greater happiness

hereafter—with all these blessings what is more necessary to make us a prosperous and happy people? Still one thing more, fellow-citizens, a wise and frugal government, which shall restrain men from injuring one another; shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor what it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

“About to enter, fellow-citizens, on the exercises of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies; the preservation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home and safety abroad; a zealous care of the right of election by the people; a mild and safe corrective of abuses, which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts, and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information, and arraignment of all abuses at the bar of public reason; freedom of religion; freedom of the press; and freedom of person, under the protection of the habeas corpus; and trial by juries impartially selected. These principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment; they should be the creed of our political faith; the text of civil instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty, and safety.

“I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this the greatest of all, I have learned to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and great revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as

may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional; and your support against the errors of others, who may condemn what they would not, if seen in all its parts. The approbation implied by your suffrage is a consolation to me for the past; and my future solicitude will be, to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

“Relying, then, on the patronage of your good-will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make. And may that infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity.”

## CHAPTER XIV

Ancient Official Forms and Ceremonies Abolished by President Jefferson.—How he Sent his First Message to Congress.—Democratic Simplicity.—Latrobe Appointed Architect of the Capitol.—His Meritorious Work.—Establishing the Library of Congress.—Exciting Discussion of the Yazoo Fraud.—Grave Charges Made against the Administration.—John Randolph, of Roanoke.—Amusing Stories of the Eccentric Virginia Statesman.—His Little Political Party, “the Quids.”—The “Virginia Dynasty.”—Acquiring a Vast Territory.—Purchase of the Province of Louisiana from France.

MANY ancient forms and ceremonies in the conduct of the government were abolished during the administration of President Jefferson. He sought to simplify the public business, and succeeded in a large measure in divesting it of unnecessary and ridiculous formality. It had been customary for the former Presidents to open the annual sessions of Congress in a pompous manner. Gorgeously attired, they would ride to the legislative hall in a grand coach drawn by six beautiful horses, and attended by a dashing military escort and a special committee of Congress. They would be received in the Senate Chamber by the Vice-President and the Speaker of the House of Representatives in a very ceremonious way, and escorted to what was called the “President’s throne,” where they would deliver a dignified address, after which they would declare Congress “to be assembled in proper form for the transaction of business.” President Jefferson abolished this bit of nonsense, much to the astonishment of the Federalists. When Congress met on the 7th of December, 1801, the usual joint committee was appointed to wait on the President and escort him to the Capitol. The committee went to the White House, but were told by Mr. Jefferson that he did not require their services, as he intended to send a message to Congress instead of going in person to

deliver it. Not long after the committee had returned to the Capitol a young man named Merewether Lewis, who was Mr. Jefferson's private secretary, appeared at the door of the Senate Chamber and made announcement that he bore a message to Congress from the President of the United States. Mr. Lewis had ridden from the President's house on horseback, and hitching the horse to a rail-fence, had walked into the Capitol with the bundle of manuscript under his arm. This simple proceeding created a decided sensation, and the Federalists thought the radical departure from precedent was almost an insult to Congress. There was some foolish talk about resenting "this undignified treatment of Congress," but at last it was decided to receive the message as an ordinary matter to which no reply should be made. From that time to this each President of the United States has sent an annual message to Congress in the manner originated by Mr. Jefferson.

What was called "democratic simplicity" began to supplant the aristocratic manners and customs hitherto prevailing in official circles. It became almost the fashion to dress plainly, and embroidered satin coats, knee-breeches, powdered hair, silver shoebuckles, and all that "aristocratic foppery," as Mr. Jefferson styled it, gave place, to a considerable extent, to plain coats and trousers and short hair. The President would not have a state coach, but was accustomed, day by day, to ride about the city of Washington on a fleet Virginia pony, paying visits to friends and inspecting the work being done for the improvement of the city. He took great interest in Washington, and did much to further its prosperity. He caused Pennsylvania Avenue to be opened and planted with shade trees. Under his intelligent and energetic supervision the public buildings were steadily advanced; and in order that the Capitol might be constructed in a faster and better manner, the work on it having proceeded very slowly, he secured a very talented architect named Benjamin Henry Latrobe, of London, and placed him in full charge of the construction. Latrobe put brains and method into his work, and soon had both wings of the Capitol completed to the satisfaction of all concerned. The wings were connected by a wooden bridge, and so remained until the edifice was re-

constructed after the burning by the British in 1814. The Senate Chamber was modelled after the ancient Greek theatre, and was beautiful and commodious; and the Hall of the House of Representatives was an imposing specimen of Grecian architecture, much different from the low, narrow apartment facetiously called "the oven" which the House had occupied for some time. Mr. Jefferson was always ready to give his influence and services to the advancement of the national city, and at a time when it had but few friends he was constantly faithful to its interests.

It was in 1801 that the Library of Congress, which has grown to be one of the five great libraries of the world, was established. The library came into existence mainly through the efforts of John Randolph, of Roanoke, the eccentric Virginia statesman. It was placed in charge of a joint committee of Congress, and \$5000 was expended for books needed by the congressmen for reference. Suitable rooms in the Capitol were provided for the library, and an annual appropriation of \$1000 was made for the purchase of books. As Washington at that time had no place of fashionable resort, the Library of Congress became a favorite rendezvous, where the prominent people of the city—statesmen, high officials, diplomats, society folks—gathered daily to discuss current events. The first librarian was John Beckley, of Virginia, the Clerk of the House of Representatives. It may be interesting to know that this library, which now contains more than a million books and pamphlets, began its existence with "212 folios, 164 quartos, 581 octavos, 7 duodecimos, and 9 magazines," as the librarian reported in the first catalogue issued.

In the early part of his administration President Jefferson found the members of his party very eager to obtain office, and he was beset day and night by seekers after the honors and emoluments of the public service. He did not long resist their importunities, and in the summer of 1801 removed many Federalist office-holders to make room for Democratic-Republicans. It is stated that only those Federalists were removed who had "used their offices for political purposes." The President at this time wrote a letter to a political organization in Connecticut in

response to a criticism of his system of removals. He said: "If a due participation in office is a matter of right, how are vacancies to be obtained? Those by death are few; by resignation, none." Doubtless from this letter has come the celebrated so-called Jeffersonian saying, "Few die and none resign."

A large part of the time of Congress in 1803 was occupied with what was termed the "Yazoo fraud," which produced during its discussion a great deal of excitement and gave rise to ugly charges against Mr. Jefferson and his Cabinet, which, at this day, do not seem in any way justified by the facts in the case. The State of Georgia, in 1789, sold to four companies, for about \$150,000, an immense tract of land in the Yazoo region of her unexplored Western territory. This sale, on account of legal complications, was never consummated. In 1795 the four Yazoo companies, as they were called, reorganized and purchased of Georgia for \$500,000 the greater part of her wild lands, estimated at about thirty-five million acres, out of which the states of Alabama and Mississippi were afterwards formed. The transaction was considered of so much importance that President Washington called the attention of Congress and the country to it by a special message. The people of Georgia, thus informed for the first time of the real nature of the sale, were very indignant, and charged that the necessary legislation had been obtained by bribing members of the legislature. The excitement about the matter was so great that the sale was cancelled by the legislature, and in 1802 all of the Western territory of Georgia was ceded to the United States.

In 1803 those who had bought land of the Yazoo companies demanded that the government should give them compensation for the land wrongfully taken from them, as they claimed. Mr. Jefferson brought the matter before his Cabinet, and, after a thorough examination, it was decided that "the interest of the United States, the tranquillity of those who may hereafter inhabit that territory, and various equitable considerations which may be urged in favor of most of the present claimants, render it expedient to enter into a compromise on reasonable terms."

But the Federalists in Congress would not for a moment consider this proposition to compromise. They attacked the



"Yazoo fraud," as they denominated it, in a fierce manner. They declared it was nothing but a brazen attempt to swindle the government, and all who favored it, including the President and the members of the Cabinet, as they were very free to say, were not much better than common swindlers. They even boldly charged that the members of the administration had been bribed to suggest a compromise, and it was roughly said that "plenty of gold will find its way into the pockets of those who advocate this abominable scheme." John Randolph, who aspired at this time to lead the Democratic-Republicans in Congress, joined with the Federalists in denouncing the administration, and for weeks poured out a flood of bitter sarcasm and invective, which proved very effective in making the Yazoo claims odious. Finally, the bill for the relief of the claimants was overwhelmingly defeated. A few years afterwards the Supreme Court of the United States decided in favor of the Yazoo claimants, and then Congress appropriated \$8,000,000 in scrip, payable from the proceeds of the sale of lands in Mississippi, in settlement of the matter.

As might be expected, Mr. Randolph's denunciation of the administration brought down upon him the wrath of the Democratic-Republicans. He treated their ebullitions of temper and condemnation with contempt, and after a time, when he found that he had lost control of the party affairs, organized a little band of ardent supporters into a third party in Congress, which he quaintly named "the Quids," from the Latin phrase *tertium quid*, a third something. The Quids were not a very formidable political organization, but they served Mr. Randolph's purpose, which was to have strength for opposition whenever he desired it.

Mr. Randolph was a very conspicuous figure in Congress for thirty years. He was born in Virginia in 1773, his parents being of ancient and wealthy families. On his father's side he was descended from Pocahontas, the Indian princess who saved the life of Captain John Smith, the English explorer. He began his long congressional career as a member of the House of Representatives in 1799, at the close of President Adams's administration, when he was only twenty-six years old. He

served in the Senate as well, and was also Minister to Russia. He was one of the most remarkable men of his day. Profoundly learned, with a great command of language, and an acrimonious wit which he continually used in debate, he was for a long time almost the despot of the House and a terror to his opponents. While speaking he would lift his long, bony finger impressively and make peculiar gestures with it. Few could stand against his withering sarcasm; none cared to arouse his antagonism. He was tall and "slender as a grasshopper," had a swarthy complexion, and large, sunken black eyes brilliant and startling in their glance. His hair was a lustrous black, and was parted in the centre of a low forehead; he had no beard, and his face, though cadaverous, might be considered almost handsome. He suffered from gout in its most excruciating form, and the constant pain doubtless made him splenetic, and had much to do with that eccentricity which was so marked a feature of his character. He had a fine estate near Charlottesville, Va., named Roanoke, and was the owner of many slaves. After the sessions of Congress he would retire to his country home "supersaturated with politics," as he would say, and live for months with only his negroes for companions. He never married.

Mr. Randolph was accustomed to ride from his lodgings in Washington to the Capitol on horseback attended by Juba, his trusty slave. He would enter the House in winter, it is said, "wearing a fur cap with a large visor, a heavy great-coat over a suit of Virginia homespun, and white-topped boots with jingling silver spurs," and striding down the centre aisle, followed by his two favorite pointer-dogs, he would toss his gloves, cap, and riding-whip on his desk, and immediately begin to speak if the debate interested him. One of the attendants would bring him a glass of porter, which he would drink hastily, and then he would plunge at once into the legislative battle. His voice was shrill and piping, but under perfect control, and in its low tones very musical.

Many amusing stories are told of his treatment of opponents. A very audacious young man, newly elected to Congress, one day made an attack on him in a speech of two

hours' duration, which was emphasized by an incessant, ludicrous tossing of both arms heavenward. When he had finished the eminent Virginia orator rose very demurely, and, after looking around the House with feigned bewilderment, turned his face towards the Speaker and addressed him.

"The gentleman from Virginia has the floor," said the Speaker.

"Mr. Speaker," said Mr. Randolph, repeating the absurd gesture of the man who had attacked him, "good God! good God! good God!" and then without another word he sat down, perfectly composed. The House burst into deafening peals of laughter and the young man was annihilated.

Once when Mr. Randolph made a rather tedious pause in a speech he was delivering, a Representative from Ohio became impatient and moved the "previous question." The Virginian glared at the presumptuous member, but proceeded with his remarks, until again he paused to collect his thoughts, when again the "previous question" was demanded by the Ohioan. This interruption Mr. Randolph could no longer stand, and stalking down to the Speaker's table, he shouted in a voice "as shrill as the cry of a peacock": "Mr. Speaker, in the Netherlands a man of small capacity, with bits of wood and leather, will in a few moments construct that which, with the pressure of the finger and thumb, will cry 'Cuckoo! Cuckoo!' With less ingenuity and with inferior materials, the people of Ohio have made a toy that will, without much pressure, cry 'Previous question! Previous question!'" and, turning, he pointed at the offending congressman, who was too confused to attempt to reply.

Mr. Randolph was a member of the "Virginia dynasty," which was a coterie of prominent Virginians, among whom were Jefferson, Madison, and Monroe, who were associated for the purpose of wielding a strong influence in national affairs. It was an important factor in every political movement of consequence during the first quarter of the century, and was even able to control the presidency. This "Virginia influence," as many called it, succeeded in electing all the Presidents after John Adams, until 1825, when the younger Adams secured

the chief magistracy, and the power of the Virginians was broken.

What is known as the Louisiana Purchase was a great measure of President Jefferson's administration. All the vast region then called the Province of Louisiana, extending from the mouth of the Mississippi River to its source and westward nearly to the Pacific Ocean, which now contains many great states, had been for thirty-eight years in the possession of Spain, which had received it from France by the treaty signed in Paris in 1763. Spain had, in 1795, granted to the United States free navigation of the Mississippi, and also the right to use the port of New Orleans at the mouth of the river as a place of deposit of merchandise. So long as a weak nation like Spain held the region it was thought there was little to be feared; but when, in 1800, she retroceded it to France, it was apprehended that great trouble would follow, as the French government would be likely to establish numerous colonies, and interfere with the navigation of the Mississippi by the Americans. There was some apprehension, too, that as France would hold the mouth of the Mississippi and consequently be able to control the commerce of the West, she might attempt to form a dangerous alliance with the people of the Western country. Within a short time after the transfer of the province the right of deposit at New Orleans was rescinded. Then a strong feeling arose in the West that the United States should seize New Orleans and hold it at any cost. A resolution authorizing the President to do this and appropriating \$5,000,000 for the purpose was strenuously urged in the Senate, but failed of passage.

At this juncture Mr. Jefferson sent James Monroe to France to negotiate, in connection with Robert R. Livingston, the American Minister to the French court, and Charles Pinckney, the Minister to Spain, for the cession of New Orleans to the United States. Napoleon was then in power, and was preparing for renewed war with England. He had a pressing need for money, and, besides, was apprehensive that England or the United States might seize New Orleans. He offered to sell the entire Province of Louisiana for the sum of \$11,250,000, the

United States to assume in addition certain claims of American citizens against France, amounting to \$3,750,000, on account of spoliations committed by that government on American commerce. The offer was accepted by the American Ministers, and a treaty making the cession of the province was signed at Paris on the 30th of April, 1803. The transaction had been a secret one, and when it was announced to the people of the United States it naturally caused a sensation. Some declared it was unconstitutional and a very dangerous precedent, while others held it would be of so great an advantage to the United States to acquire this extensive domain, that it would be justifiable to stretch the Constitution to meet the requirement. Mr. Jefferson acknowledged that he had not authorized the purchase, but he fully approved of it. He suggested, however, that it would be well to make an amendment to the Constitution giving the government authority to purchase foreign territory and make it a part of the Union. He submitted the French treaty to Congress in special session on the 17th of October, 1803, and two days later, after an earnest debate, the Senate ratified the purchase, and on the 25th the House passed a resolution to carry it into effect. An amendment to the Constitution was not thought necessary.

The acquisition of Louisiana more than doubled the area of the United States, and gave us the entire control of the "Father of Waters." When the purchase was consummated, it is stated that Napoleon exclaimed, "I have now given to England a maritime rival that will, sooner or later, humble her pride." And Minister Livingston, in speaking of it to Monroe and Pinckney, said, "We have lived long, but this is the noblest work of our whole lives."

## CHAPTER XV

Impeachment Trial of Justice Samuel Chase.—Unsuccessful Attempt to Extend Slavery to the Northwest Territory.—Abolition of the Slave-trade.—Burr's Trial for Treason.—President Jefferson's Gunboat System for the Navy.—Trouble with England.—The Embargo Act.—Dissatisfaction in New England.—English Plot to Destroy the Union.—The War of 1812.—Brilliant Achievements of the American Navy.—The Battle of Bladensburg.—Capture of the City of Washington by British Troops.—Burning of the Capitol.

THE Eighth Congress, which had a strong Democratic-Republican majority, had before it the impeachment of Samuel Chase, of Maryland, one of the Associate Justices of the Supreme Court of the United States, who had been appointed by President Washington in 1796. He was one of the so-called "high-handed Federalists" who had been prominent in the enforcement of the Alien and Sedition laws. It was charged that in the trial, in the United States Circuit Court in Philadelphia, of John Fries for high-treason in levying war against the United States during the whiskey insurrection in Pennsylvania, that Justice Chase had given a written opinion of the law in the case to the prosecution, greatly to the prejudice of the defendant; and that in the trial of Thomas Cooper, in Richmond, for sedition or libel against President Adams, the justice had refused to admit certain important testimony for the defence. It was also charged that he had used language reflecting on the government. On the 5th of January, 1804, John Randolph moved in the House of Representatives that a committee be appointed to inquire into the official conduct of Justice Chase, and "report their opinion whether the said Samuel Chase has so acted in his judicial capacity as to require the interposition of the constitutional power of the House." The committee was appointed, investigated the matter, and reported articles of im-

peachment, which were adopted by the House and then sent to the Senate, but were postponed by that body until the following session. On the 2d of January, 1805, Justice Chase was arraigned before the Senate, and on the 14th of February Mr. Randolph opened the impeachment trial in behalf of the House. The Senate Chamber, it is stated, "was elaborately fitted up as a high court of impeachment, with the Senators sitting as judges on a semicircular platform on either side of the Vice-President, Aaron Burr. Places were assigned for the members of the House, the diplomatic corps, and a few spectators." The trial continued, with a short recess, until the 1st of March, when the high court decided that Justice Chase—although, perhaps, arrogant and impulsive, and with strong political prejudices—had done nothing to warrant his dismissal from the bench, and he was therefore fully acquitted. A great deal of party feeling was displayed during the trial.

The State of Ohio was formed out of a portion of the Northwest Territory, and on November 29, 1802, was admitted to the Union. Under the Ordinance of 1787, which prohibited slavery in the Northwest Territory, Ohio, of course, was a free State. Persistent efforts were made, however, at nearly every session of Congress during President Jefferson's administration, to suspend the sixth article of the ordinance, so that slave labor could be introduced into the great, fertile region northwest of the Ohio River, which was being rapidly settled. Many petitions to legalize slavery were presented from the settlers in the territory now embraced in the states of Indiana and Illinois, who, as has been said, "feeling the hardships and privations of pioneer life, and picturing to themselves in golden colors the ease and affluence incident to slave labor as it existed in the South," were determined to have slaves on their farms. Several reports in favor of the petitioners were made, but as there was very strong opposition from the Northern congressmen, the reports were not acted upon. Finally, to settle the matter, a committee reported "that it is not expedient at this time to suspend the sixth article of the compact of the government of the territory northwest of the river Ohio." No other attempt

was ever made to introduce slavery into the Northwest Territory.

When Congress counted the electoral votes in February, 1805, it was found that Mr. Jefferson had received 162 votes for President, and that Charles Cotesworth Pinckney, of South Carolina, the candidate of the Federalists, had received only 14. In both Houses of Congress the Democratic-Republicans were in the majority.

President Jefferson, in his annual message to the Eleventh Congress, in 1806, suggested that the time had come for the prohibition of the slave-trade, which, under the Constitution, was to be terminated at the expiration of 1807. In accordance with the President's suggestion, Congress passed an act prohibiting "the importation, after the 1st of January, 1808, of all persons of color with intent to hold or dispose of them as slaves, or to be held to service or labor." It was made a penalty of \$20,000 to fit out a vessel for the slave-trade, and "to take on board of any vessel, in a foreign country, any colored person with intent to sell him within the United States" was made "a high misdemeanor," to be punished by from five to ten years' imprisonment and a fine ranging from \$1000 to \$10,000. It was also provided that "any person knowingly purchasing or selling a colored person imported contrary to this act" was to be fined \$800. United States war-ships were to guard the coast and to seize any vessel "having on board colored persons intended to be sold as slaves."

The trial of Aaron Burr for treason occasioned much feeling in the country in 1807. Colonel Burr, after he had served his term as Vice-President, made a strange journey to the Southwest, having, as was said, "a variety of half-formed projects in his mind." He organized an expedition "so blended and involved in mystery," Mr. Jefferson wrote, that it eventually caused his arrest as a conspirator against the United States. Burr was very popular in the Southwest, and his arrest produced a great deal of indignation in that region, and no little excitement throughout the country.

President Jefferson sent a special message to Congress about the matter on January 22, 1807. In it he said that a few



months before he had "received intimations that designs were in agitation in the Western country unlawfully and unfriendly to the peace of the Union, and that the prime mover in these was Aaron Burr, heretofore distinguished by the favor of his country." As to Burr's designs, the President said :

"It appeared that he contemplated two distinct objects, which might be carried on either jointly or separately, and either the one or the other first, as circumstances should direct. One of these was the severance of the Union of these states by the Alleghany Mountains ; the other an attack on Mexico. A third object was provided, merely ostensible—to wit, the settlement of a pretended purchase of a tract of country on the Wachita, claimed by a Baron Bastrop. This was to serve as the pretext for all his preparations, an allurements for such followers as really wished to acquire settlements in that country, and a cover under which to retreat in the event of a final discomfiture of both branches of his real design.

"He found at once that the attachment of the Western country to the present Union was not to be shaken ; that its dissolution could not be effected with the consent of its inhabitants, and that his resources were inadequate, as yet, to effect it by force. He took his course then at once, determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico, and to this object all his means and preparations were now directed. He collected from all the quarters where himself or his agents possessed influence, all the ardent, restless, desperate, and disaffected persons, who were ready for any enterprise analogous to their characters. He seduced good and well-meaning citizens, some by assurances that he possessed the confidence of the government and was acting under its secret patronage, a pretence which procured some credit from the state of our differences with Spain ; and others by offers of land in Bastrop's claim on the Wachita."

Colonel Burr was taken to Richmond, Va., to be tried in the United States Circuit Court there, and was confined in jail from May to August. A suite of rooms was handsomely fitted up in the jail for his use, and daily he held receptions

attended by prominent persons of both sexes, and was gay, chatty, and apparently delighted at the sensation he was creating. His trial began on August 2d, before Chief-Justice Marshall and a jury. In the direct testimony against Burr there was no proof given of an overt act of treason, and when it was attempted to offer collateral and indirect testimony to establish such an act, the chief-justice excluded it on motion of the counsel for the defence. The jury then returned a verdict of not guilty of treason. Burr was then tried on a charge of "high misdemeanor," and acquitted on the technical ground that his offence was committed in Ohio, and not in Virginia, as charged in the indictment. He gave bail to appear in Ohio for trial, but never did appear, and the case was dropped.

Not a little comment was made on the rather unusual "vigilance and energy" displayed by President Jefferson in the prosecution of his old rival for the presidency, and in some quarters the President received a caustic criticism, which caused him to show considerable indignation. When Burr was first arrested, Jefferson had hastened to say that he believed him to be "guilty beyond the shadow of a doubt," and all through the period of the trial he had written rather injudicious letters and spoken rather foolish words concerning the case, which gave color to the charge that he was actuated by a strong personal feeling in urging the conviction and punishment of Burr. The President spiritedly denied the charge, however, and declared that he was simply doing his duty.

Burr fled to Europe, where for a time he was an exile, often suffering the pangs of poverty. Ultimately he returned to the United States, and took up his residence in New York for the remainder of his life. He obtained a lucrative law practice, and had many influential friends.

During Mr. Jefferson's second term the Federalists in Congress were continually criticising him in a severe manner, and he was also roundly abused by the party press. But the President did not seem to mind the vituperation, and showed no hard feeling towards those who indulged in it. How tolerant he was is well illustrated by the following story: Alexander von Humboldt, the great German scientist and traveller, upon

arriving in Washington on his tour of the world, called on the President and was received in his private apartment. On taking up a newspaper that lay on the table Humboldt was surprised to find its columns filled with the most wanton abuse of Mr. Jefferson. He threw it down and with much indignation exclaimed, "Why do you not have the fellow hanged who dares to write these abominable lies?"

Mr. Jefferson smiled at the warmth of his distinguished visitor and replied: "What! hang the guardians of the public morals? No, sir! rather would I protect the spirit of freedom which dictates even that degree of abuse. Put that paper into your pocket, my good friend, carry it to Europe, and when you hear any one doubt the reality of freedom in the United States show him that paper, and tell him where you found it."

"But is it not shocking that virtuous characters should be defamed?" asked Humboldt.

"Let their actions refute such libels," replied Mr. Jefferson. "Believe me," he continued, "virtue is not long darkened by the clouds of calumny; and the temporary pain which it causes is infinitely outweighed by the safety it insures against degeneracy in the principles and conduct of public functionaries. When a man assumes a public trust, he should consider himself as public property."

The "system of cheap marine," which Mr. Jefferson sought to establish, was a very unpopular measure of his administration. President Adams had promoted the fortification of the principal ports of the United States, and the building and liberal maintenance of an efficient navy. Mr. Jefferson thought the cost would be too great, and advocated instead a plan for the building of small armed vessels to be called "gun-boats." In a message to Congress he showed that the advantages of these gun-boats would be "their utility towards supporting within our waters the authority of the laws; the promptness with which they will be manned by the seamen and militia of the place the moment they are wanted; the facility of their assembling from different parts of the coast to any point where they are required in greater force than ordinary; the economy of their maintenance and preservation from decay when not in

actual service; and the competence of our finances to this defensive provision without any new burthen." Their "preservation from decay" was to be accomplished by hauling the gun-boats "up under sheds, whence they could be readily launched when wanted."

Mr. Jefferson also advocated instead of expensive fortifications that "heavy cannon mounted on carriages should be conveyed to any place on the coast or banks of our navigable waters where they might be wanted to resist the approach of an enemy." Congress had a number of the gun-boats constructed, and also a few of the heavy cannon, but the people everywhere in the country were in favor of a thoroughly good navy and strong fortifications, and Mr. Jefferson's system did not meet their approval. It became the custom to speak in derision of "Jefferson's gun-boats," and Congress, in response to the popular will, discontinued their construction before half the number recommended by the President had been completed.

The need of a powerful navy was never more apparent than during Mr. Jefferson's second term. England, the haughty mistress of the sea, jealous of the great and ever-growing commerce of the United States, began a series of aggressions which brought on the War of 1812. France and even Spain insulted us, and for lack of a formidable navy we were at the mercy of every nation of Europe.

At this time England, assisted by the allied powers of Europe, was engaged in a mighty effort to conquer Napoleon. The United States maintained a strict neutrality, and her merchant-ships for a while had a very extensive and lucrative carrying trade. Finally England, by orders in council, proclaimed a blockade of the whole French coast, and also revived an ancient rule which prohibited neutral ships from trading with the dependencies of any nation with which she was at war. Napoleon retaliated by proclaiming a blockade of the British Isles, and, besides, issued decrees which rendered neutral ships trading with England liable to seizure and confiscation.

England arrogantly assumed the right to search American ships and take from them all seamen who had been at any

time British subjects. Her claim was, "Once an Englishman always an Englishman." It was stated that many deserters from British war-ships had entered the American merchant marine, and that the search of our vessels was for the purpose of recovering them. But the truth was that when the British men-of-war overhauled the American ships any man who was fancied was taken away, despite all protests, to serve in the British navy. Many of those thus impressed were American citizens born in the country, while the great majority of the others had been naturalized and were entitled to all the rights of citizenship and the protection guaranteed by the Constitution of the United States. British war-ships also seriously interfered with our commerce. In resentment of this interference and of the assumption of the right of search there arose in the land the cry of "Free-trade and sailors' rights."

On the 22d of June, 1807, a great outrage occurred. Commodore Barron, in command of the American frigate *Chesapeake*, refusing to deliver four seamen who were claimed by the commander of the British frigate *Leopard*, the latter ship opened fire on the *Chesapeake* while she was lying off Norfolk, Va., and compelled the commodore to deliver the men. This outrage greatly exasperated the American people, and President Jefferson issued a proclamation ordering all British ships off the waters of the United States. He also called an extra session of Congress, which began on the 26th of October, and during which an Embargo Act was passed. This act was intended to suspend all trade with foreign countries. No vessels, foreign or domestic, were allowed to enter or leave the ports of the United States except for the purposes of the coasting trade, and for this a large bond was required. It was thought that this severe measure would bring England to terms, for, with her profitable American market closed, her revenues would be greatly lessened, her factories would be idle, and thousands of her people thrown out of employment.

It was an heroic remedy, however, as the embargo, while it injured England, also inflicted incalculable injury to the commerce of the United States. The Yankee ships were idle, and

the Yankee sailors, just beginning to be famous the world over, were forced to leave the sea. Moreover, the shipping-merchants of the North, many of whom had made large fortunes by the carrying-trade with the fighting nations of Europe, saw their business and their capital melt away, while their ships were decaying at the docks. It is little wonder, then, that the embargo met with opposition in the shipping sections of the country. The Federalists condemned it in savage terms. It was continued longer than was necessary, they said, and Mr. Jefferson was called hard names because he did not end it, Congress having given him authority to do so whenever he deemed it advisable. England was in no hurry to make reparation for the *Chesapeake* outrage, although suffering from the embargo; and Mr. Jefferson gave place to James Madison as President with this troublesome matter unsettled.

All the difficulties of our foreign relations were inherited by President Madison, and greatly embarrassed his administration. Congress before his inauguration had modified the embargo by passing what was called a Non-intercourse Act, by which commerce was permitted with all nations except England and France. There had been a great deal of hard feeling in the Eastern States in regard to the embargo, and it was reported that they contemplated withdrawing from the Union. In consequence of this report Sir James Craig, the Governor-general of Canada, sent an emissary named John Henry into New England "to make observations and report the prospects, in case the foreign difficulties should be continued, of a division of the United States." Mr. Henry visited Vermont and New Hampshire, and then went to Boston, where he sojourned for nearly three months, all the while sending despatches to his employer about the political situation. It does not appear that he found any secession feeling, but only a strong opposition to the system of restricting commerce. After performing the secret service he was charged with Mr. Henry demanded as his compensation a lucrative office, which was refused him by his government. The refusal set him in a passion, and he went straightway to President Madison, and for \$50,000 sold him all the papers in the case, which included considerable important cor-

respondence with the British Ministry. The papers were laid before the Twelfth Congress, in March, 1812, and shortly after were given to the country.

The Henry affair was generally regarded as an attempt on the part of England to bring about a dissolution of the Union, and the feeling against her was intensified. The depredations on our commerce were continued. Nearly a thousand American merchant vessels, with their valuable cargoes, were captured by British cruisers, and thousands of American seamen were impressed to serve in the British navy. The insults and outrages could no longer be borne. There was a strong feeling for war everywhere in the country except in New England, and, after the administration had striven, by the operation of peaceful measures, to bring Great Britain back to a sense of justice, war was declared in June, 1812.

Two months previous to the declaration of war President Madison had sent a message to Congress, in which he said, "Considering it as expedient, under existing circumstances and prospects, that a general embargo be laid on all vessels now in port, or hereafter arriving, for the period of sixty days, I recommend the immediate passage of a law to that effect."

This proposition was earnestly discussed. The House went into secret session, and Henry Clay, who was then speaker, and had just begun his long career of eminence, gave the measure his support. He said, "I approve of it because it is to be viewed as a direct precursor to war." The embargo was opposed by John Randolph, and by Josiah Quincy, of Massachusetts. Mr. Randolph asked, "What new cause of war, or of an embargo, has arisen within the last twelve months? The affair of the *Chesapeake* is settled; no new principles of blockade have been interpolated in the laws of nations. Every man of candor would ask why we did not, then, go to war twelve months ago."

In reply Mr. Clay said: "What *new* cause of war has been avowed? The affair of the *Chesapeake* is settled, to be sure, but only to paralyze the spirit of the country. Has Great Britain abstained from impressing our seamen—from depredating upon our property? We have complete proof, in her capture of our ships, in her exciting our frontier Indians to hos-

tility, and in her sending an emissary to our cities to excite civil war, that she will do everything to destroy us. Our resolution and spirit are our only dependence."

The act for an embargo was passed, and then Congress passed various acts for strengthening and improving the army and navy. The act authorizing President Madison to declare war was vigorously opposed by the Federalists, who were supported by a few Democratic-Republicans, among whom was Mr. Randolph. They held that war was unnecessary and impolitic. Mr. Clay made a forcible speech in favor of the war. He declared that it would be a just one, because it would have for its great object "free-trade and sailors' rights against the intolerable and oppressive acts of British power on the ocean."

The "War of 1812," as it was called, or the "Second War for Independence," continued for nearly three years. At first the American army attempted to make the conquest of Canada, with the intention of holding that country as a sort of hostage for the good behavior of Great Britain; but the attempt was not successful. General Hull ingloriously surrendered the important post of Detroit, on the northern frontier, under circumstances which showed that he was a traitor to his country; and an attack made by a force under General Van Rensselaer on one of the British posts near Niagara was repulsed with disastrous loss, after a display of great gallantry by our troops. These reverses caused disappointment and gloom, and the Federalists, many of whom were in favor of peace on almost any terms, began seriously to oppose the war. There was an exciting presidential campaign, in which James Madison was the candidate of the Democratic-Republicans against De Witt Clinton, the candidate of the Federalists. Mr. Madison was re-elected President, and as there was a large majority in Congress in favor of prosecuting the war vigorously, an army of fifty thousand men was authorized and the navy was largely increased. The navy achieved a number of memorable victories, and the gallant deeds of Perry, Hull, Lawrence, Bainbridge, Decatur, and others caused Canning to declare in the British Parliament that American ships manned by American tars had broken the naval invincibility of England.



In August, 1814, a British fleet, in command of Admiral Cockburn, sailed up Chesapeake Bay to the Patuxent River, where a large body of troops, under General Ross, were landed, and began a march across Maryland to the city of Washington. An officer of the American army, in a letter written soon after the occupation of Washington by the British, gives this account of the state of affairs:

"I arrived in Washington on Sunday, the 21st of August. At that time the officers of the government and the citizens were very apprehensive of an attack from the British, who had landed a force on the Patuxent. It was stated they numbered from 4000 to 10,000. On Sunday the public officers were engaged in packing and sending off their books and the citizens their furniture, and on Monday this was continued, and many families left the city. The specie was removed from all the banks in the District. General Winder, who was in command of the American force, was stationed southeast of the city, at a place called Wood's, with some 2000 men, and it was reported he would receive reinforcements of 10,000 in a week. In the expectation that there was a very considerable force collected, President Madison, accompanied by the Secretaries of War and Navy, left the city for the camp. They arrived there late that night, and the next morning, finding but 3000 men had gathered, they returned to the city to make further arrangements. The business of the government was suspended, and all the books and papers were sent off, and the citizens generally left the place."

The British troops, who were veterans from Wellington's army recently arrived in the United States, marched steadily through Maryland until they reached the village of Bladensburg, five miles from Washington. Here their march was stopped by General Winder's army, mostly composed of raw militia, numbering about 7000. The British after a short engagement scattered the militia, "who broke in confusion and ran for dear life," as an old report of the battle says. The whole British force then advanced towards a hill which commanded the turnpike to Washington, and on which, in charge of Commodore Joshua Barney, were about 600 sailors and marines with

several small cannon. The old report before quoted from gives this graphic account of what followed :

“Barney reserved his fire until the enemy came within a few yards, when a discharge of round and grape shot left the front ranks struggling in death. A second time the English veterans advanced—a second time their front ranks fell like grass before a scythe. The British then left the road and approached from another direction by fording the creek, then very low. All the so-called American troops had left the commodore and his brave phalanx. Still he stood his ground against an overwhelming force of the veterans of Waterloo. Although simultaneously charged on the right and left, he repulsed them several times with great slaughter. He received a ball in his thigh, which was bleeding profusely. At the same time his horse was killed under him. To add to his chagrin the mushroom militia had run off with his ammunition-wagon. On being surrounded by the enemy, he ordered those to retreat who were able to do so. He was carried a few yards by three of his officers and fell from loss of blood. Two of them he ordered to conduct the retreat of his gallant men. General Ross and Admiral Cockburn were conducted to him and treated him kindly. They ordered him to be carried to a house in Bladensburg, where his wounds were dressed and he was made as comfortable as circumstances would permit. The British left eighty of their killed and wounded on the battleground, who had fallen through the bravery of the sailors and marines, who stood like men and fought like lions. Had the militia fought like Barney and his ocean band they would have repelled the invading foe and saved the capital of our nation from desecration.”

The invading army entered Washington early in the evening of the 24th of August, and halted in the grounds of the Capitol. The soldiers fired a number of volleys into the windows of the “harbor of Yankee democracy,” as Admiral Cockburn called the building, and then marched into the wing used by the House of Representatives. Cockburn was escorted to the Speaker’s chair by General Ross, and with a fine assumption of legislative dignity called the assemblage to order amidst

boisterous laughter and cheers. He demanded if the building should be burned. "All for it say aye!" he shouted. There was a unanimous affirmative response, and the order was then given to apply the torch. The soldiers stripped the Congressional Library of its books and pictures, and piled them on the floor of the House. A fire was started which quickly spread through the Capitol, and in less than an hour it was in ruins.

The President's house and other public buildings were also fired. After destroying a great deal of property in the city, the British silently retreated the next night, went aboard their ships, and sailed away.

## CHAPTER XVI

Occupation by Congress of the "Great Hotel" and the "Old Capitol."

—Propositions to Remove the Seat of Government.—Restoration of the Capitol.—The New Halls of Congress.—The Hartford Convention.—The Treaty of Ghent.—Creation of a Great Bank of the United States.—The Tariff Act of 1816.—Increasing the Pay of Congressmen.—Changing the Design of the American Flag.—Purchase of Florida from Spain.—Bitter Struggle over the Admission of Missouri to the Union.—Great Excitement in Congress and throughout the Country.—The Missouri Compromises.

AFTER the destruction of the Capitol by the British, Congress met for one session in the Union Pacific Hotel, a large, rather imposing brick edifice situated on the square in Washington where the Post-office Department building now stands. This hotel had been erected in 1793 by Samuel Blodget, a prominent resident of the District of Columbia, and was commonly called the "Great Hotel." In it Congress found ample accommodations, and was able to transact its business almost as well as it had done in the legislative building on Capitol Hill. There was a great deal of talk about removing the seat of government to New York or Philadelphia, as many of the congressmen and government officials were very much dissatisfied with Washington, which was then anything but a desirable place of residence. The "capital movers," as those congressmen were called who favored transferring the government to some other locality, made a determined effort to prevent the appropriation of any money for the restoration of the Capitol and the other public buildings. Congress discussed this matter for weeks, and at one time it seemed as if the national city would certainly be removed from the Potomac. The friends of Washington prevailed, however, and in February, 1815, a resolution was passed authorizing the Secretary of the Treasury to borrow half a million dollars for the purpose of reconstructing

the government edifices. Washington from this time began to grow steadily and to improve, and for many years after had no fear that the government would leave its borders. A capacious building adjacent to the eastern grounds of the Capitol was leased by Congress for its sessions, and was occupied until 1819. This building was always called the "Old Capitol," and during the Civil War was known as the "Old Capitol Prison," as it was used as a place of confinement for Confederate soldiers and others. It is still standing, but has been considerably altered, and is now used for residences.

Benjamin Henry Latrobe, the very capable architect who had been in charge of the Capitol when it was burned, was employed for the reconstruction. He determined that the American Legislative Hall should be a grand structure and one that the people of the United States should be proud of. Congress gave him ample means, and he worked with great energy and skill to accomplish his purpose. There is no doubt that Latrobe is the real architect of the central or original part of the Capitol. It is to him that its grand features are due. When he was first commissioned by the government he threw away all previous plans of construction, tore down much that had been done by his predecessors, and set at work upon an original design. The old Senate Chamber and the old Hall of Representatives were designed and constructed by him. They are notable examples of pure classical symmetry and beauty. Latrobe continued his work until 1817, when he resigned his position as architect of the Capitol, and Charles Bulfinch, a distinguished architect of Boston, took his place. For ten years Bulfinch carried on the construction after Latrobe's plans, and in 1827 the central part of the Capitol was finished. There had been expended on it \$2,433,814. It was termed "a majestic structure, perfect in all its adaptations." This part of the Capitol covers two acres, is three hundred and fifty-two feet long and one hundred and twenty-one feet wide, and in 1827, and for some years thereafter, was surmounted by a low central dome. Its walls are of Virginia sandstone, and on its eastern front is a magnificent portico. Until 1851 the building remained unchanged.

The old Senate Chamber and the old Hall of Representatives, upon which Latrobe expended a great amount of pains and money, were used for purposes of legislation for nearly fifty years; and during that long period many of the most important of the national legislative matters were considered in them. Here the great statesmen of the age that is gone attended to the affairs of the nation, and here were often scenes of intense interest and vast consequence. The old Senate Chamber (now the chamber of the Supreme Court of the United States) is semicircular in form. It is seventy-five feet long and forty-five feet in width and height. The interior of a small dome forms its ceiling. At the back of the chamber is a wide arch upheld by a series of columns of variegated marble with white marble capitals. The chamber is finely decorated. On a dais in front of the marble columns stood the chair of the President of the Senate, and directly in front of it were the desks of the Senate officials. A small gallery, supported by iron columns, encircled the chamber. On the walls were a number of fine paintings, including a large, handsomely draped painting of General Washington by Peale. Arranged in concentric semicircles in the central part of the chamber were fine mahogany desks and chairs for the use of the Senators.

The old Hall of Representatives (now the National Statuary Hall) was fashioned after ancient Greek models, and is very beautiful. It is semicircular, and ninety-five feet long and fifty-seven feet high. It has a richly decorated domed ceiling. At the rear of the hall is a great arch with marble pillars, and extending around the hall is a colonnade of twenty-six columns of variegated marble with white marble capitals. The floor is of marble with mosaic tiling. On the arch stands a large plaster figure of Liberty, and also an effigy of an eagle with outstretched wings. Over the main entrance door is a marble clock of peculiar construction. It represents the Genius of History recording the events of the nation as she rolls over the globe. When the Representatives occupied the hall the Speaker's chair and table were placed on a rostrum four feet from the floor, and back of the rostrum were rich crimson curtains suspended from the marble pillars supporting the

great arch. Near the rostrum were tables and sofas provided for the clerks and reporters. The Representatives had mahogany desks and wide, comfortable arm-chairs, which were arranged in concentric semicircles. An iron railing with curtains enclosed the outer row of desks, and beyond the railing was the members' lobby. Above the lobby was a gallery with seats for about five hundred persons. In panels of the gallery were paintings of Washington and Lafayette, and large copies of the Declaration of Independence in frames ornamented with national emblems.

The Federalists and, in fact, the people generally in New England were greatly dissatisfied with the war with Great Britain. They had strenuously opposed it before it was declared, on the ground that it would be likely to ruin their maritime interests and cause great damage to their territory, which, being adjacent to the Canadian frontier, they thought would be continually assaulted both by land and sea. But when the war was begun New England patriotically furnished men and means for its prosecution, and for a time was patient under the injury inflicted to her commerce by the embargo.

Now, however, immense dissatisfaction prevailed in the Eastern States. The press and the pulpit were opposed to any further continuation of a war which, it was asserted, was conducted in an inefficient manner and solely in the interests of the "dominating pastoral South," which, having nothing to lose by the conflict, was content to allow it to drag along from month to month, while the important industrial and commercial interests of New England were rapidly decaying. The "conceded ascendancy of the South and the reign of Virginia at the capital" were bitterly complained of. British men of war had virtually taken possession of a part of the Eastern coast, and as nothing was done by the Madison administration for the defence of New England, the states in this region began to decline to furnish any more men or any more money to maintain the army and navy, and to demand that negotiations should be opened forthwith with England for a treaty of peace.

Out of the prevalent discontent came the famous Hartford Convention. In October, 1814, the Legislature of Massachu-

setts passed a resolution inviting the New England States to meet in convention "to confer upon the subject of their public grievances," and to devise "measures for accelerating the return of public prosperity." On the 15th of December twenty-six delegates from Massachusetts, Connecticut, Rhode Island, and several counties of New Hampshire and Vermont assembled at Hartford, Conn., and remained in secret session for twenty days. George Cabot, of Massachusetts, the prime mover of the convention, was chosen president, and Theodore Dwight, of Connecticut, secretary.

There was so much excitement throughout the country about this conclave of dissatisfied states—as it was reported and very generally believed that its real object was to make arrangements for dissolving the Union, and forming the Eastern States into a sort of "grand-duchy to be ruled over by an English prince"—that President Madison despatched an officer of the army to Hartford to watch the proceedings of the convention, so that "in the event of an insurrection" he could promptly suppress it. The army officer, after a few days, reported to the President that the convention was "a harmless affair of resolutions and remonstrances, which would not be likely to end in revolution."

And a harmless affair, indeed, the much-talked-of convention proved to be, although for years afterwards there were many persons in the country who firmly believed that it was "a hot-bed of treason" and "a nest of secession plots." Its members were reviled, scorned, ostracized. They were called traitors and conspirators, and whatever political positions they held were taken from them. George Cabot was forced at last in self-defence to deposit the journal of proceedings of the convention in the office of the Secretary of State in Massachusetts, that all might see for themselves that what he had published as the work of the delegates was strictly true.

What the delegates did was this: They discussed at great length all the grievances arising from the war, and doubtless in rather passionate language. Then they drew up a series of resolutions to be sent to the legislatures of the states detailing what they considered should be done to make a better condi-



tion of affairs. In regard to dissolving the Union they said that "if the Union be destined to dissolution by reason of the multiplied abuses of bad administration, it should be, if possible, the work of peaceable times and deliberate consent," and that "a severance of the Union by one or more states against the will of the rest, and especially in time of war, can be justified only by absolute necessity." They asserted that new Western states were too easily formed; that every State should be intrusted with its own defence; and that it was as much the duty of each State to watch carefully over the rights reserved to it as it was the right of the United States to exercise the powers delegated. They recommended amendments to the Constitution of the United States to restrict the power of Congress to declare and make war, to make new states and admit them into the Union, and to lay embargoes and restrictions on commerce. They wanted an amendment to provide that the President of the United States shall not be elected from the same State two consecutive terms, and that the same person shall not be elected President a second time; and one to repeal the clause concerning slave representation and taxation.

The proceedings of the convention were denounced by the states outside of New England, and the resolutions sent to the legislatures were spurned in contempt.

The war, which had begun in 1812, came to an end in 1815 with the battle of New Orleans. During its last year the government carried it on with great difficulty, and it terminated, as was said, "without any professed settlement of the cause for which it was begun." The serious opposition to the measures proposed by Congress for the prosecution of the war, and the state of the national finances really forced the government to seek peace. It must be said, however, that Great Britain was no less desirous of closing the contest. She had had enough of it. She had found that the Americans, as in the Revolutionary War, would fight bravely for their rights even against great odds; and she had also found that the American army and navy were more than a match for her forces.

Negotiations for peace were begun at Ghent, in Belgium, in

the summer of 1814. Commissioners from both countries had an extended conference, and at last agreed upon a treaty of peace, which President Madison and the Senate ratified on the 17th of February, 1815. The Treaty of Ghent provided for the cessation of hostilities and the restoration of all property taken by either party from the other during the war; for the appointment of commissioners to define the boundary between the United States and the British Possessions, as established by the Treaty of Paris in 1783; for the suspension of the warfare against the Indian tribes; and for the abolition of the traffic in slaves, which was declared "irreconcilable with the principles of humanity and justice." The treaty settled none of the matters for which the war had been declared; but, nevertheless, it was heartily welcomed by all parties. There was some discussion of the fact that the treaty had no provision about the impressment of American seamen by the British. In reference to this matter Henry Clay, who, as one of the American commissioners, had helped to make the treaty, said in the House of Representatives:

"One of the great causes of the war, and of its continuance, was the practice of impressment exercised by Great Britain—and *if this claim had been admitted by necessary implication or express stipulation*, the rights of our seamen would have been abandoned! It is with utter astonishment that I hear it has been contended in this country, that because our right of exemption from the practice had not been expressly secured in the treaty, it was, therefore, given up! It is impossible that such an argument can be advanced on this floor. No member who regards his reputation would venture to advance such a doctrine."

There is no doubt that the war, after all, accomplished the greater part of what was intended in its declaration. It gave freedom to our commerce and vindicated the honor of our flag; and by showing Great Britain that we would fight about impressment—"that she would have war again if she impressed again"—effectually secured the safety of our seamen. Thereafter American seamen were never again impressed.

In speaking of the war at a gathering in Kentucky in 1815, Henry Clay said:

“Another point which appears to me to afford the highest consolation is, that we fought the most powerful nation perhaps in existence, single-handed and alone, without any sort of alliance. For more than thirty years Great Britain has been maturing her physical means, which she had rendered as efficacious as possible, by skill, by discipline, and by actual service. Proudly boasting of her conquest of Europe, she vainly flattered herself with the easy conquest of America also. Her veterans were put to flight or defeated, while all Europe—I mean the governments of Europe—was gazing with cold indifference, or with sentiments of positive hatred of us, upon the arduous contest. Hereafter no monarch can assert claims of gratitude upon us for assistance rendered in the hour of danger.

“The effects of the war are highly satisfactory. Abroad our character, which, at the time of its declaration, was in the lowest state of degradation, is raised to the highest point of elevation. It is impossible for any American to visit Europe without being sensible of this agreeable change in the personal attentions which he receives, in the praises which are bestowed on our past exertions, and the predictions which are made as to our future prospects.”

The return of peace found the United States in an extremely depressed financial and industrial condition. The country was flooded with all sorts of foreign merchandise, greatly to the detriment of the American manufacturers, and the expected revival of commerce did not take place. The cost of the war had been \$80,000,000, and to pay its way the government had been obliged to issue a vast number of bills of credit, or treasury notes, which were now at a discount of twenty per cent., and the interest of which was a heavy burden. There was no specie in circulation. As a means of relief it was proposed to establish a Bank of the United States, and also to revise the tariff in the line of protection.

The previous Bank of the United States, the charter of which had expired in 1811, had been of considerable benefit to the national finances; and it was advocated by many that another and a greater government fiscal institution was absolutely necessary to correct the financial evils arising out of the war.

Some of those who had opposed the renewal of the charter of the previous bank, notably Henry Clay, on the ground that there were other and better means of conducting the fiscal affairs of the government, now advocated the proposed new institution because, as they declared, there was a complete change of circumstances. Events of the utmost importance had intervened, and these events, in their opinion, made a government bank necessary and proper, and therefore constitutional. John C. Calhoun, in reporting to the House of Representatives an act "to incorporate the subscribers to the Bank of the United States of America," argued that such a bank was the specific to cure all the ills of the body politic. It would, he said, "put an end to the suspension of specie payments, and restore to the people the national currency—that of gold and silver—alone recognized by the Constitution, of which they had for years been deprived."

Among the opponents of the measure was John Randolph, who combated it at every stage. He declared that the establishment of a great bank would be "resorting to a crutch, and that a broken one," for it would "tend, instead of remedying the evil of a depreciated paper currency, to aggravate it." To pass the measure, he said, "would be like getting rid of the rats by setting fire to the house." He argued against it as unconstitutional, inexpedient, and dangerous.

The debate was extended and acrimonious, but there was a majority in Congress in favor of a "Bank of the United States," and therefore, in April, 1816, an act to incorporate one was passed and promptly signed by President Madison. The bank was to be established in Philadelphia, with branches in all the large cities of the country, and was to continue for twenty years. It was to have a board of twenty-five directors, five of whom were to be appointed by the President of the United States and confirmed by the Senate. Its capital was to be \$35,000,000, one-fifth of which was to be subscribed by the government, and it was to be a depository of the public moneys, which it was required to disburse in any part of the United States without charge. The government deposits could be removed at any time by the Secretary of the Treasury for

sufficient reasons, which he was required to report to Congress; and the books and records were to be subject to examination by Congress. The bank was to pay a bonus of one and a half million dollars to the government for its charter.

The first tariff really intended to protect what James Madison called the "infant industries" of the United States was enacted by the Fourteenth Congress in April, 1816. Previous to this time the tariffs had been largely for revenue only, the system of protection being of secondary importance and little favored by the two great political parties. In 1790 Alexander Hamilton, in a report on manufacturing made by request to the House of Representatives, had advocated the policy of encouraging domestic manufactures, but hardly anything was done in the way of encouragement until 1812. Domestic manufactures had attained to some importance, particularly during the period of the embargo from 1808 to 1811, and the propriety of developing them by means of protection so as to meet all the demands of the home market was discussed to a considerable extent. When the War of 1812 began, the existing duties on imports were doubled as a war measure. As the war progressed, European supplies diminished and domestic manufactures monopolized the American market. Much capital previously invested in commerce was turned to manufacturing, and in most lines of industry there was a remarkable development. Immediately after the war the influx of foreign merchandise seriously depressed and jeopardized American industries, and there was in consequence a strong demand from the manufacturers for protection. The shipping merchants of New England, whose ships carried a good portion of the imports, opposed the demand. They were fearful of losing the carrying trade, and denounced protection "as but a mere continuance of that scheme of commercial restriction and governmental interference which has involved the country in so many calamities."

The double duties which were laid at the beginning of the War of 1812 were removed in June, 1817, at which time the new tariff went into effect. By the Tariff of 1816, as it is called,

there were moderate specific duties, and also *ad valorem* duties ranging from  $7\frac{1}{2}$  to 30 per cent. The minimum principle was introduced for the first time, and applied to coarse cotton cloth, etc. The Tariff Act was passed in the Senate by 25 yeas to 7 nays, and in the House by 88 yeas to 54 nays. It was mainly Southern and Western votes that established this tariff. Not much support was given it by the New England members of Congress.

At the first session of the Fourteenth Congress the first attempt was made in the direction of an annual compensation for the Senators and Representatives, who were receiving \$6 for each day's actual attendance. Without much debate it was voted that the compensation should be \$1500 a year; but this "reckless extravagance," as it was termed, was sharply rebuked in all parts of the country. In an old register is the statement that "the whole nation was aroused to ebullient indignation" because the members of Congress dared to give themselves a fair compensation for their services. The "ebullient indignation" was so overwhelming that Congress, at the very next session, changed the compensation to \$8 a day, which rate was retained until 1855.

In 1816 Indiana was admitted to the Union. Mississippi was admitted in 1817, Illinois in 1818, Alabama in 1819, and Maine in 1820.

After tedious and unpleasant negotiations with Spain, the extensive territory of Florida was surrendered by that country to the United States in 1821. As compensation for the territory, it was agreed that the United States should assume the claims of its citizens against Spain, which amounted to about \$5,000,000. It was also agreed that the Sabine River should be the boundary-line between the United States and Mexico. By this agreement the vast domain now the State of Texas was given up to the latter country.

The American flag first came into use in 1775 by order of the Continental Congress. It was commonly called the "Union flag," but sometimes the "Continental flag," and consisted of a "fly" or field of thirteen red and white stripes like the present

national ensign, with a "union" or inner corner of cross-bars very similar to that of the flag of Great Britain. In 1776, a pointed star was substituted for the cross-bars in the union. On the 14th of June, 1777, Congress resolved that the flag should be "thirteen stripes, alternately red and white; that the union be thirteen stars, white in a blue field, representing a new constellation." The first flag of this design was made in Philadelphia, in 1777, by Elizabeth Ross, who had been appointed flag-maker to the government, and was hoisted over Independence Hall, where Congress was in session. No change was made in the flag, except to add stars and stripes as new states were admitted to the Union, until 1818. At this time there were twenty states, and the flag with the great number of stripes to represent all these commonwealths had lost its distinctive character and was not a thing of beauty.

An act was passed by Congress and approved by President Monroe on April 4, 1818, providing that "the flag of the United States be thirteen horizontal stripes, alternately red and white; that the union be twenty stars in a blue field." It was also provided that "on the admission of every new State into the Union one star be added to the union of the flag." The thirteen stripes were to represent the original thirteen American colonies which subsequently became the United States of America, and every State was to have a star. This arrangement was suggested by Captain Samuel Chester Reid, one of the naval heroes of the War of 1812, and the first flag was made by his wife, the daughter of Captain Nathan Jennings, a Revolutionary soldier of Connecticut. The flag was made in New York and sent to Washington, where it was first displayed over the Hall of the House of Representatives at the Capitol on the 13th of April, 1818. Since that time no change has been made in the design of the national banner.

We come now to the story of that celebrated measure known in our political history as the "Missouri Compromise"—a measure which brought about the first great struggle in Congress between the advocates of slavery and of freedom, and which produced much excitement throughout the country.

The point in controversy was whether or not Missouri should be admitted to the Union as a slave State. After angry and tedious debates the matter was settled by a compromise.

Missouri was a part of the vast region called the Province of Louisiana, which the United States obtained from France in 1803. Slavery existed in this province when it was annexed to the United States. In 1804 Congress divided the province into two districts, one called the Territory of New Orleans, and the other the District of Louisiana. The latter district in 1812 became the Territory of Missouri. In December, 1818, during the second year of the administration of President Monroe, Missouri petitioned Congress, through her legislative council, for permission to become a State. On the 16th of February, 1819, while a bill was under consideration in the House of Representatives "to authorize the people of the Territory of Missouri to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original states," an amendment was offered by James Tallmadge, Jr., of New York, as follows :

"That the further introduction of slavery be prohibited, except for the punishment of crimes, whereof the party shall be duly convicted ; and that all children of slaves born within the said State, after the admission thereof to the Union, shall be free, but may be held to service until the age of twenty-five years."

A debate ensued, notable mainly for intemperate and threatening language. The Northern members, both Federal and Democratic, generally favored the amendment. They maintained that Congress had the right to prohibit slavery in a new State formed out of purchased territory, and that it would be wise at this time to exercise that right, in order to prevent the further extension of an institution abhorrent to the principles of free government. Slavery was so great an evil that it should be prohibited wherever it could be constitutionally, they declared. The Southern members, in opposing the amendment, threatened that the slave states would secede from the Union if slavery were prohibited in Missouri. A member from Georgia made this prophecy : "The North is kindling a fire which



all the waters of the ocean will not be able to extinguish. It can only be extinguished in blood."

Tallmadge's amendment was adopted by a vote of 87 yeas to 76 nays; and then the House passed the bill, with the prohibition of slavery, after a protracted and spirited debate. When the Senate came to act on the bill it struck out the amendment, and sent the bill back to the House, where it came to nothing amidst the "unfinished business" of the Fifteenth Congress.

The "distracting question," as it was termed, thus left unsettled, aroused the whole country. It was the great theme of discussion by the press and the people. In many of the Northern cities enormous meetings were held to protest against the extension of slavery, and countless memorials were forwarded to Congress from legislatures and other bodies praying that no compromise be made with the slave power. In the South there was intense excitement. It was held there that the attempt to prohibit slavery in Missouri was "a dangerous and despotic measure, and one that would infringe upon the sovereignties of the states." It was maintained that the unqualified admission of Missouri would not tend, in any degree, to extend slavery; because it would "not be the means of increasing the number of slaves within the states, but of removing some of those that already existed from one State to another."

By virtue of the Ordinance of 1787, which prohibited slavery in the states formed out of the great Northwest Territory, Congress had, by special acts, excluded slavery from the states of Ohio, Indiana, and Illinois on their admission to the Union; but as the states of Kentucky, Tennessee, Mississippi, and Alabama were formed out of territory in which slavery existed, they were admitted without restriction. Louisiana, which was a part of the same territory as Missouri, was also admitted as a State without restriction as to slavery.

The Sixteenth Congress had to deal with the question of slavery or no slavery in Missouri. On the 8th of December, 1819, a memorial from the people of Missouri was presented to the House of Representatives, praying for authority to form a State government. The memorial was referred to a special

committee, which in a short time reported a bill in accordance with the prayer of the memorialists. A special day was set for discussion of the bill, and at that time it was taken up and debated with a vehemence rarely equalled in Congress. An amendment prohibiting slavery in Missouri was adopted, and the bill was then passed and sent to the Senate. The Senate defeated the bill, but shortly after concurred in a House bill admitting the State of Maine to the Union, with an amendment authorizing the admission of Missouri without any restriction as to slavery. But the House could not be forced to take Missouri in this way, and for several weeks there was little prospect of a settlement of the matter.

On one occasion during the pendency of the Missouri question in the House, John Randolph stigmatized certain Northern members who had voted with the Southerners on some point as "doughfaces," because, as he said, "they are plastic in the hands of demagogues." The term was caught up and given great publicity by the newspapers, and ever afterwards was very generally applied to those Northern men who, while professing to be against slavery, were, nevertheless, enlisted in the slave-holding interest, and always ready to do the bidding of the leaders from the slave states.

Mr. Randolph in his speeches also had a great deal to say about "Mason and Dixon's line," which he held was the natural division between the free and the slave states. This line was the southern boundary of the free State of Pennsylvania, and separated it from the slave State of Maryland. It was run, with the exception of a few miles, by two English surveyors named Charles Mason and Jeremiah Dixon, who performed their work between the years 1763 and 1767. Mr. Randolph's constant repetition of the phrase "Mason and Dixon's line" brought it into general use; until now, having a wider meaning, it is used to denote the division between the Northern and the Southern states.

One day a long and exceedingly dry and tedious speech was made in the House on the Missouri Bill by Felix Walker, of North Carolina, who represented a district which included Buncombe County. He was requested by some friends to de-

sist and yield the floor to another member who was very desirous of speaking, but he refused. "I have to make a speech just for Buncombe," he said, meaning that he had to speak in order to show his constituents who lived in Buncombe County that he was taking part in the debate. The phrase gained wide currency, and thereafter, whenever a member made a speech merely "for the benefit of his constituents"—a not uncommon occurrence then as well as now—it was said he was "speaking for bunkum," or buncombe. "That's all bunkum," was often said of speeches made in both houses of Congress.

The excitement in the country continued to grow with every day's discussion in Congress of the Missouri question. As was said, "travelling orators spread the flame and fed the fire already burning with portentous fury; and the public press teemed with violence and inflammation." The North urged those who resisted the extension of slavery to stand firm; the South repeated its indignant protests, and threatened to take action which would certainly lead to the dissolution of the Union. The conservative members of Congress strove earnestly to allay the tempest and avert the impending danger to the country. Finally, with considerable difficulty, the conservatives arranged a compromise, which was originated by Senator Jesse B. Thomas, of Illinois, by which Missouri was to be admitted as a State without restriction as to slavery, and there was to be established on the Louisiana Purchase a geographical line beyond which slavery was never to be extended. In accordance with the compromise a bill was passed in March, 1820, by a combination of Northern and Southern votes, authorizing the inhabitants of the Missouri Territory to form a constitution and State government; and the State, when formed, was to be admitted into the Union "upon an equal footing with the original states, in all respects whatsoever."

In the eighth section of the Missouri Bill was the "compromise" in regard to slavery as follows :

"And be it further enacted, That in all that territory ceded by France to the United States under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contem-

plated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited."

The "compromise line," so called, began at the southern boundary of Missouri, and, consequently, all the region north and west of the State was to be free soil.

The slave-holding states regarded the compromise as a great triumph. They had succeeded in making Missouri a slave State, and they were satisfied that the excluding of slavery from the remainder of the Louisiana Purchase would do the South no harm. The North, although rather disposed at first to be angry, accepted the compromise as the best thing that could be done under the circumstances, and the dangerous excitement was allayed.

The people of the Missouri Territory, soon after the passage of the Compromise Bill, proceeded to form a constitution under which the State was organized and went into operation. In the constitution it was provided that it should be the duty of the legislature, as soon as might be, to pass such laws as were necessary "to prevent free negroes and mulattoes from coming to and settling in this State, under any pretext whatsoever."

With this provision in her constitution Missouri was refused admission as a State, and there was another exciting discussion in Congress. The objection to the clause was that free negroes and mulattoes were citizens of some of the states, and the clause infringed on their rights under the Constitution of the United States, which provides in Article IV., Section 2, that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several states." It was maintained, on the other hand, that negroes, whether free or in bondage, were not parties to the political institutions of the United States; and, therefore, free negroes and mulattoes were not citizens within the meaning of the Constitution of the United States. It was still further maintained that even if the constitution of Missouri were repugnant to that of the United States, "the latter was paramount, and would overrule the con-

flicting provision of the former without the interference of Congress."

The admission of Missouri, it is stated, was presented, "in one way or another, almost daily and hourly to Congress, and became at length a perfect incubus upon legislation." Henry Clay, earnestly invoking a spirit of harmony and concession, set himself to the task of quieting this turbulent and annoying matter. He proposed a compromise, which was agreed to by Congress after violent debates, and under which Missouri was at last received as a member of the sisterhood of states on the 10th of August, 1821. By the compromise Missouri was never to pass any laws forbidding any sort of persons who were citizens of any other State from coming into her territory. This left the whole question of whether or not free negroes or mulattoes were citizens to the decision of the courts.

## CHAPTER XVII

The Presidential Election of 1820.—An “Era of Good Feeling.”—Objection to the Counting of the Electoral Votes of Missouri.—The Origin and History of the Monroe Doctrine.—Various Applications of the Doctrine.—A Strong Demand for a New Protective Tariff.—Henry Clay’s American System.—His Famous Speech on the Policy of Protecting Home Industries.—The Tariff of 1824.—The “Scrub Race for the Presidency.”—John Quincy Adams Elected President by the House of Representatives.

THE presidential election of 1820 presented the extraordinary spectacle of no division in the popular vote North or South, East or West. There was no opposition to the re-election of President Monroe. During his first term a number of exciting political measures had engaged the attention of the country, but they seemed to have left no resentment in the public mind, and there was no desire for a change of administration. It was the “era of good feeling.” The Federalists had ceased to exist as a party, and the Democratic-Republicans controlled affairs. It was said that “the leading politicians cultivated with great assiduity the favor and support of all men, without regard to former distinctions, counting them as brothers of the same republican family.” An orator of this period declared that the people should warmly congratulate themselves because the unhappy differences of years past were at an end. “The delusions have rolled away,” he said, “and the mists that once hovered over forms of now unshaded brightness are dissipated forever. We can now all meet and exchange our admiration and love in generous confraternity of feeling, whether we speak of our Jefferson or our Adams, our Madison or our Hamilton, our Pinckney or our Monroe; the associations of patriotism are awakened, and we forget the distance in the political zodiac which once separated these illustrious luminaries, in the full

glory they are pouring on the brightest pages of our history."

In February, 1821, when Congress met to count the electoral votes cast for President and Vice-President, there was some debate in regard to counting the votes cast by Missouri, which had not then been admitted as a State. Many of the Southern members claimed that as Missouri was organized as a State she was entitled to have her electoral votes counted. There was, however, a strong opposition to this course; and so, as a compromise, it was agreed to direct the President of the Senate, in case any objection should be made to the votes of Missouri, to announce that "if the votes of Missouri were counted, the number of votes for A B for President would be so many; and if the votes of Missouri were not counted, the number of votes for A B for President would be so many, and that in the latter case A B was elected." As finally announced, James Monroe had for President 231 votes, including Missouri; and John Quincy Adams had one vote (cast by a New Hampshire elector).

While this country rejoiced in a remarkable exemption from political agitation, a very different state of affairs prevailed on the European Continent. France, Prussia, Austria, and Russia had formed what was called the "Holy Alliance," for the purpose of reconstructing in their own interests the weak Continental governments. The Alliance had begun its work by putting the Bourbons on the French throne and overthrowing the Spanish Liberal party, and had in contemplation using its great power to subjugate the republics of South America and place them again under the rule of Spain.

As soon as it became known to the British government that the Alliance proposed to operate on the South American Continent, the United States government was notified, and a proposal was made that it should join with England in a strong protest against the proceeding. John Quincy Adams was then Secretary of State, and he advised President Monroe not to join with England in a protest, but to make in his annual message to Congress a declaration of the position the American government would hold if the purpose of the Alliance should be carried out. President Monroe accepted the advice of Sec-

retary Adams with great reluctance, it is stated, and in his annual message of December 2, 1823, inserted the passages which were afterwards famous as containing what has always been called the "Monroe Doctrine."

The President in the first part of his message, referring to certain negotiations then in progress between the United States and Russia concerning the respective rights and interests of the two nations on the northwest coast of this continent, said:

"The occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are involved, *that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power.*"

After this broad assertion President Monroe proceeded to discuss various domestic and foreign affairs, and near the end of his message made this declaration:

"In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded, or seriously menaced, that we resent injuries, or make preparations for our defence. With the movements in this hemisphere we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. *We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare, that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.* With the existing colonies or dependencies of any European power we have not



interfered, and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, *in any other light than as a manifestation of an unfriendly disposition towards the United States.*"

The American people received the Monroe Doctrine with approval, and in Europe it attracted a great deal of attention. Everywhere it was understood to be a firm, dignified notice to the governments of Europe that they could not establish any new colony on the American continents or interfere in their political affairs without assuming an attitude of hostility to the government of the United States. What would be done if any colony should be established or any American government interfered with, was not expressed by President Monroe and could only be imagined. In England the doctrine was enthusiastically applauded as a bold assertion of American spirit. In the republics of South America it was considered to be a promise of aid and protection should any European government attack them. The Holy Alliance believed it threatened war, and undoubtedly it prevented any interference with the revolted provinces of Spain.

The two passages in President Monroe's message, which constitute the Monroe Doctrine, were doubtless intended to be an expression of the sentiment which had been growing for some time in the United States, that only the nations of the American continents should be allowed to occupy them, and that these nations should be permitted to establish their forms of government and institutions without the interference of foreign nations. It was a proper time to declare this sentiment, and although Congress has never adopted or sanctioned the Monroe Doctrine in any way, it has always had the entire approval of the people of this country. In 1824 Henry Clay tried to have the House of Representatives pass a resolution embodying the doctrine, but without success. Repeated attempts since then have been made to secure the formal sanc-

tion of Congress for the doctrine, but all of them have been ineffectual. On certain occasions efforts have been made to give practical effect to the doctrine, as the following statements will show.

The first effort was made early in the administration of President John Quincy Adams, in 1825. At this time the governments of Mexico, Central America, Colombia, and Peru invited the government of the United States to send envoys to what was termed a "congress of American nations," which was to meet at the city of Panama in June, 1826, for the purpose of conferring as to the best method of forming closer relations with one another. The congress was to be, as Benton says, an "assembly of the American states of Spanish origin, counselling for their safety and independence, and presenting the natural wish for the United States to place herself at their head, as the eldest sister of the new republics, and the one whose example and institutions the others had followed." The scheme was heartily favored by President Adams, who considered it of great importance, and therefore he accepted the invitation and nominated envoys to the congress. In his message to the Senate announcing the nominations, he stated the objects of the proposed congress. There was no intent to form alliances or to engage in any project of hostility to any nation, he said; but the intention was to establish liberal principles of commercial intercourse and maritime neutrality, and also, possibly, to come to an agreement for the adoption of the Monroe Doctrine. In regard to the latter he said:

"An agreement between all the parties represented at the meeting, that each will guard, by its own means, against the establishment of any future European colony within its borders, may be found advisable. This was, more than two years ago, announced by my predecessor to the world as a principle resulting from the emancipation of both the American continents. It may be so developed to the new Southern nations that they may feel it as an essential appendage to their independence."

Although the "Panama Mission," as it was called, had the earnest support of the administration, the Senate was decided-

ly opposed to it for one reason or another not particularly valuable now, and for nearly three months the matter was debated with a great deal of violence. "No question in its day," it is said, "excited more heat and intemperate discussion, or more feeling between a President and a Senate than this mission." The Monroe Doctrine was frequently denounced, and, finally, when the mission was agreed to, it was loaded with so many conditions and restrictions that it was rendered wholly useless. The Panama conference amounted to nothing, mainly because of the indifference of the United States.

In 1845 the Oregon boundary dispute with England afforded another opportunity for an assertion of the Monroe Doctrine. All the region known as Oregon up to the line of fifty-four degrees forty minutes north latitude was claimed by the United States. This was considerably beyond the boundary line held by England to be the true one, but she was willing, as a compromise, to fix the boundary at the Columbia River. The Democrats made the matter one of the issues of the presidential campaign of 1844, and used the cries of "Fifty-four forty, or fight," and "the whole of Oregon or none, with or without war with England," to aid the election of James K. Polk. In his inaugural message President Polk asserted the Monroe Doctrine when he said, "No European colony or dominion shall in future, with our consent, be established in any part of the continent of North America." But this position could not be maintained, and the Oregon boundary was finally established on the parallel of forty-nine degrees, thus leaving more than five degrees of the continent for England to hold and colonize.

Still another assertion of the Monroe Doctrine was made in 1852, when England occupied a part of Honduras in violation of the Clayton-Bulwer Treaty, of 1850. Edward Everett, then Secretary of State, protested against England's action, but Congress did nothing in the matter. The Clayton-Bulwer Treaty was negotiated by John M. Clayton, who was Secretary of State during President Taylor's brief administration, and Sir Edward Bulwer, then the British Minister to the United States. It provided that neither government should

attempt to control the proposed Nicaragua Canal, and provided for the neutrality of the canal, etc.

The attempt of Archduke Maximilian to found an empire in Mexico by the aid of French troops was made the occasion for a most emphatic assertion of the Monroe Doctrine. It was considered that Maximilian's empire was very dangerous to all the republics of Spanish America, and, therefore, the United States, in 1865, demanded that the French troops should be withdrawn from Mexico so that the people of that country could be free to decide for themselves whether or not they would be ruled by Maximilian. The Civil War had just ended, and the United States had a splendid veteran army to support any demand it might make. France and Austria, which were upholding Maximilian, were quick to see the power of this country, and the troops were speedily withdrawn from Mexico. A great victory was thus gained for the doctrine that there must be no interference with the republics of America—a victory which has since proved of decided benefit to the people of this continent.

The subject of protection to American industry had been before the country more or less ever since the passage of the Tariff Act of 1816, and various bills to increase the duties on foreign goods had been presented in Congress, but none had met with success. The severe competition of European manufactures with home productions had greatly depressed all industrial interests in the United States, and there was an ever-increasing demand for competent measures of protection. The Tariff Act of 1816 had established the protective principle, but the protection it had afforded to the American manufacturers had not been sufficient to enable them to compete with their foreign rivals. In 1824 a new Tariff Act, giving greater protection, engaged the attention of Congress. Its foremost champion was Henry Clay, and in a notable speech in the House of Representatives, on the 30th and 31st of March, he set forth the merits of what he designated as the "American System," which included protection to American manufacturers and also internal improvements by the government. He believed that

protection was the true policy of this country. After picturing the general distress then pervading the whole land he said :

“Are we doomed to behold our industry languish and decay yet more and more? But there is a remedy, and that remedy consists in modifying our former policy, and in adopting a genuine American system. We must naturalize the arts in our country ; and we must naturalize them by the only means which the wisdom of nations has yet discovered to be effectual —by adequate protection against the otherwise overwhelming influence of foreigners. This is to be accomplished only by the establishment of a protective tariff.”

Mr. Clay believed that the country would have to adopt a high-tariff policy, or else year by year it would come within the commercial domination of Great Britain. The industrial interests of the United States would have to be regulated by an American system, he said, or Great Britain would practically recolonize this country, for she would supply the greater part of the manufactured goods required, and exert an influence in our national affairs dangerous in the extreme. He deprecated any further extension of the “British Colonial System” in the United States, and urged that the vast resources of this country be developed. In a clear, forcible way he argued that prosperity would come only with the adoption of a high tariff.

In speaking of the declaration made by a Virginia member that protection was not authorized by the Constitution, Mr. Clay said :

“Congress has power to lay duties and imposts, under no other limitation whatever than that of their being uniform throughout the United States. But they can only be imposed, according to the honorable gentleman, for the sole purpose of revenue. This is a restriction which we do not find in the Constitution. No doubt revenue was a principal object with the framers of the Constitution in investing Congress with the power. But, in executing it, may not the duties and imposts be so laid as to secure domestic interests? Or is Congress denied all discretion as to the amount or the distribution of the duties and imposts?

“The gentleman from Virginia has, however, entirely mis-

taken the clause of the Constitution on which we rely. It is that which gives to Congress the power to regulate commerce with foreign nations. The grant is plenary, without any limitation whatever, and includes the whole power of regulation of which the subject to be regulated is susceptible. It is as full and complete a grant of the power as that is to declare war. What is a regulation of commerce? It implies the admission or exclusion of the objects of it, and the terms. Under this power some articles by the existing laws are admitted freely; others are subjected to duties so high as to amount to their prohibition, and various rates of duties are applied to others. Under this power laws of total non-intercourse with some nations, embargoes producing an entire cessation of commerce with all foreign countries, have been from time to time passed."

Daniel Webster spoke against the proposed tariff, arguing that any system of protection would seriously injure the commerce and agriculture of the country. In later years Mr. Webster became a protectionist.

The opponents of a high protective tariff, which one designated as "a mad, quixotic, ruinous scheme," based their objections on the following grounds: That it would lessen the public revenue and compel a resort to internal taxation to meet the current expenses of the government; that it would not only injure commerce, but agriculture as well, by diminishing the exports, "as other nations would not purchase articles of any kind from us, unless the produce of their industry was received in exchange"; and that the high price of labor in the United States would always prevent the successful establishment of manufactories.

Those who advocated the increased duties argued that a change in the business system of the country was absolutely necessary, and that "a dependence upon the internal resources of the United States was the only true policy of the government." Protection, they maintained, instead of injuring would prove beneficial both to commerce and agriculture, because it would "bring into existence new and extensive manufacturing establishments, and thus create a home market, without which

the farmer would not receive the just reward of his labors." They claimed that the tariff would not diminish exportation; and as for lessening the public revenue, it might increase it; "the augmentation of duty would, very likely, compensate for the diminution of the quantity of goods imported."

Congress passed the Tariff Act in May, 1824. The vote in the House was: yeas 105, nays 94; in the Senate, yeas 26, nays 21. Many of the Southern members voted against the act because they thought it "a very sectional, unjust, and unconstitutional measure." The South had been prominent in establishing the Tariff of 1816, but since that time it had renounced the protective policy to a great extent. The members from what were called the navigating and fishing states of New England—namely, Maine, New Hampshire, and Massachusetts—nearly all voted against the act; while those from Rhode Island and Connecticut, the manufacturing states, all voted for it. The act made considerable change in the system of laying duties, and was believed to be thoroughly protective in regard to sugar, iron, wool, hemp, and woollen and cotton goods. The *ad valorem* duties averaged about 37 per cent.

In 1824 occurred that remarkable political contest commonly described as "the scrub-race for the presidency." There were at first five candidates for President—William H. Crawford, of Georgia, then Secretary of the Treasury; John Quincy Adams, of Massachusetts, then Secretary of State; John C. Calhoun, of South Carolina, then Secretary of War; Henry Clay, of Kentucky, then Speaker of the House of Representatives; and General Andrew Jackson, of Tennessee, then United States Senator. As there was practically but one political party in the country at the time—the Democratic-Republican—all the candidates were regarded as members of it, although they differed considerably in their views about the party policy. Crawford, Jackson, and Calhoun were known as "strict constructionists," while Adams and Clay had something of the old Federal belief in a "loose construction" of the Constitution.

Mr. Crawford was nominated by a caucus of sixty-eight members of Congress (it having been the practice since 1804 to

nominate the Democratic-Republican candidates for President of the United States in this way), and therefore he was put forward as the regular candidate of the party. But the congressional caucus had become unpopular, and the one that had nominated Mr. Crawford had been attended by only one-third of the congressmen. Consequently, the assumption that Mr. Crawford was the regular candidate was denied and resisted, and after a little time the other candidates were nominated by bodies of their friends. Mr. Calhoun, finding that his prospects for the presidency were "very shadowy," soon withdrew and gave his influence to General Jackson. He was afterwards rewarded for his withdrawal by being elected Vice-President.

As might be imagined, the country was greatly excited over the "scrub-race." Every political demonstration was made by the friends of the candidates; every step was taken that would secure popular favor. When the electoral votes were counted it was found that Jackson had 99; Adams, 84; Crawford, 41, and Clay, 37. As there was no election the choice of President devolved on the House of Representatives, as provided by the Constitution. The House on the 9th of February, 1825, proceeded to make the choice from the three candidates having the highest number of votes. Mr. Clay, not being eligible for the presidency, gave his influence and support to Mr. Adams. Thirteen states voted for Adams, seven for Jackson, and four for Crawford; whereupon Mr. Adams was declared elected President of the United States for the term beginning on the 4th of March, 1825.

Thus the son of a President was himself elevated to the chief magistracy of the American nation. John Quincy Adams was born at Quincy, Mass., on July 11, 1767. His eminent father, John Adams, and his noble mother, Abigail Adams, paid every attention to his education and training. He studied law, engaged in public life in Massachusetts, and, after a diplomatic service of several years in Europe, first as Minister to Russia and then as Minister to England, became United States Senator from his native State in 1803. He was elected as a Federalist, but as he favored Jefferson's Embargo Act he incurred the displeasure of his party and resigned from the



Senate. Thereafter for some years he acted with the Democratic-Republicans, and finally became an Independent. He was Secretary of State during President Monroe's entire administration, and gave most brilliant service. He is credited with being the author of the Monroe Doctrine. Like his father, he was a studious, learned, sagacious man, and had a short, stout figure, a full, rosy face, and keen eyes. He was one of the ablest statesmen that the country has ever produced.

## CHAPTER XVIII

Brilliant Membership of Congress during the First Quarter of the Century.—The Prominent Statesmen of this Period.—The “Great Triumvirate,” Clay, Webster, and Calhoun.—Biographical Sketches and Personalities.—Eminent Legislators who Subsequently Filled High Offices in the Government.—Some Quaint Characters of the Olden Time.—Davy Crockett, the Tennessee Bear-hunter.—How He was Elected to Congress.—His Witty Sayings and Eccentricities.—The Peculiar Customs Prevailing in Both Houses of Congress.

DURING the quarter of a century that Congress had met in Washington there had been many able statesmen on its rolls, and a few that by common consent were denominated great. As a general thing, the North had sent its best men to the halls of legislation, and the South had done likewise. The important measures of the period had demanded eloquent orators and legislators of more than ordinary skill and judgment, and it is not too much to say that the American Congress has never had, before or since, a more brilliant membership. Doubtless the master-spirit of Congress in all this time—the one who seemed to grasp completely the great interests of the nation, and to advocate readily and faithfully whatever was for her honor and advancement—was Henry Clay, the “Great Commoner,” of Kentucky. Other members, such as Webster, Calhoun, and Benton, whose names afterwards became household words, had not then reached the very exalted position that Clay occupied. Webster and Calhoun had their glorious battles yet to fight—battles by which they obtained immortal fame.

Henry Clay was born on April 12, 1777, of poor and humble parents, in that part of Hanover County, Va., familiarly known as “The Slashes.” He began life as a mill-boy—“the Mill-boy of the Slashes”—studied law and entered on its

practice at Lexington, Ky., when scarcely twenty-one years old. As he himself said, he went to Lexington "without patrons, without the favor or countenance of the great or opulent, and without the means of paying my weekly board." At a bar remarkable for its talent young Clay, however, soon rose to the first rank. He was elected to the General Assembly, and was made Speaker. This adopted son of Kentucky became so popular that, in 1806, he was chosen to the United States Senate for a year to fill a vacancy; and again, in 1809, he entered the Senate for a term of two years. He was less than thirty (the constitutional age for a Senator) when he first became a member of the Senate; and when he was sworn in, it is said he was asked if he had arrived at the constitutional age, and he replied, "Go ask my constituents."

In 1811 Mr. Clay began his distinguished career in the House of Representatives. He was immediately elected Speaker by a large vote—the only instance in the annals of Congress of this great honor being given to a member on his first appearance in the House. For eleven years he served as Speaker, and his service in the House extended through fourteen years. From 1836 to 1842, and from 1849 until his death, in 1852, he was a member of the Senate.

The great Kentuckian—"Harry of the West," as he was lovingly called—presented a striking appearance, although he had a face of "unaccountable commonness," as one of his contemporaries has said. He had a tall, spare, graceful figure, small blue eyes, a very high forehead, and a large mouth. He was frank and cordial in his manner, and had a very fascinating smile. His voice was clear, sonorous, and sympathetic, and it was a pleasure to listen to his speeches. As a natural orator he had no equal, being able at will to move great assemblages to smiles and tears and enthusiasm. Possessed of a brilliant genius and a fertile imagination, he had also a sound, discriminating judgment, and was eminently practical. His views of national policy were broad and expanding. He had a great faculty of making friends, and seemed to possess a sort of fascination, by which all who came into his presence were attracted and bound to him by enduring ties. His power, mag-

netism, and eloquence were such that crowds lingered upon his melodious tones, stood in silent awe at his appeals, and eagerly received his political teachings. There never was an American statesman so much idolized as he.

Mr. Clay was remarkably simple and unostentatious in his way of living. He was an early riser, was very methodical and industrious, and his punctuality was proverbial. He made little preparation for his speeches, except to gather the facts and figures that he desired to use, had but few notes, and rarely wrote out his remarks in full. Some of his greatest speeches were not reported, and all that exists of them now are the brief notes that he made. While speaking he would walk gracefully back and forth, flourishing his silk handkerchief, and now and then would stop to take a pinch of snuff from a silver box presented to him by admirers in Kentucky. He was an inveterate snuff-taker, and handled his box with an elegance of manner very pleasing to observe. One who heard the silver-tongued orator speak on a memorable occasion has said: "Every muscle of his face was in motion; his whole body seemed agitated, as if every part were instinct with a separate life; and his small white hand, with its blue veins apparently distended almost to bursting, moved gracefully, but with all the energy of rapid and vehement gesture. The appearance of the speaker seemed that of a pure intellect, wrought up to its mightiest energies, and brightly glowing through the thin and transparent veil of flesh that enrobed it."

The famous expression, "I would rather be right than be President!" attributed to Mr. Clay, is said to have been uttered in a conversation he had with a prominent member of the Whig party for whom he had sent to consult in regard to a political movement that he contemplated making. The gentleman thought the movement might injure Mr. Clay's prospects for the presidency. His reply was: "I did not send for you to ask what might be the effects of the contemplated movement on my prospects, but whether it is right. I would rather be right than be President."

Daniel Webster, the great expounder of the Constitution, was born in the little New Hampshire town of Salisbury on

January 18, 1782. His parents were well-to-do farmers of Scotch and Welsh extraction. He received a good education in his youth and was graduated from Dartmouth College. He read law, and at first went to Boston to practise it; but after an experience there of two years he returned to his native State and opened an office at Portsmouth, where he remained for nine years. He was elected Representative to Congress and took his seat in 1813, when a little more than thirty years old. Although wholly new to public affairs, Mr. Webster at once obtained a commanding influence in the House of Representatives. He had remarkable oratorical ability, a vast fund of knowledge, and an impressive personality. Carlyle, seeing him some years later, called him "a grim, tall, broad-bottomed, yellow-skinned man, with brows like precipitous cliffs, and huge, black, dull, wearied yet unwearable-looking eyes under them."

After serving for two terms as a Representative from New Hampshire, Mr. Webster took up his residence in Boston, and thereafter he was proudly claimed by Massachusetts as her son. He built up a very lucrative practice as a lawyer, and it was with regret that he left his clients to represent the city of Boston in the national House of Representatives in 1823. He remained in the House until 1827, when he was chosen Senator, and for fourteen years was a member of what was then termed "the most dignified body on earth"—the United States Senate. He left the Senate in 1841 to become Secretary of State, but returned to it in 1845, and remained until 1850, when he once more became Secretary of State, dying while in office, in 1852.

Mr. Webster was a grand, impressive orator, and during his career as a Senator "reaped the golden grain of high renown." His speeches were masterly expositions of political economy; and those delivered during the great debates with Hayne and Calhoun upon Nullification attained a world-wide celebrity, and are considered the best ever made upon the Constitution. William Lowndes, of South Carolina, one of Mr. Webster's contemporaries in the Senate, remarked that "the North had not his equal as an orator, nor the South his superior." He was a very slow speaker, hardly averaging a hundred words a minute. He prepared his speeches with the utmost care, but seldom

wrote them out before delivery. His memory was so retentive that he could think out a speech sentence by sentence, correct the sentences in his mind without the use of pen or pencil, and then deliver it exactly as he had thought it out. He would never allow any of his speeches to be published until he had thoroughly revised the stenographer's report, and he would often make material changes in the construction of the sentences. He had a commanding presence, the air of one born to rule men, wonderful argumentative powers, and was captivating and convincing in his utterances.

This sombre, swarthy man, large and stately, with hair the color of a raven's wing surmounting a massive forehead, was the magnet that drew crowds to the Senate Chamber. Whenever he was announced to speak the chamber would be crowded to overflowing, and his eloquent words would make a deep impression. In his dress he rather affected the old Revolutionary colors of blue and buff, usually appearing in a blue coat and pantaloons and buff vest. He was so imposing that Sydney Smith said he was "a living lie, because no man on earth could be so great as he looked."

Mr. Webster was a very hard worker, and in all his congressional career was noted for his habits of industry and close application to business. He would never engage in the discussion of any question of importance until he had explored all its ramifications and had thoroughly mastered it. No toil was too great, no application too severe for him while studying a subject. While thus engaged he was taciturn, unsociable, morose; but when he had completed his task his face would brighten and he would laugh and chat, tell funny stories, hum snatches of popular songs, and make himself very agreeable for a time. He could not, however, be called a man of genial mood. He had the melancholy nature, and there were times when, great as he was and high as he stood in the estimation of the American people, he would rail at Dame Fortune and find nothing that was good and satisfactory in his life.

It was as a Federalist that Mr. Webster entered Congress; but he was never a strong party man like Mr. Clay, who began his political career as an ardent Jeffersonian Democrat and

afterwards founded the Whig party. Mr. Webster was very patriotic, and he looked more to the good of the country than he did to the interests of any political organization. When the Federal party ceased to exist he became an Independent, and subsequently a Whig of a mild type. He once said in a debate, "I am no man's leader; and, on the other hand, I follow no lead but that of public duty and the star of the Constitution."

John C. Calhoun was another of "the great triumvirate," as Clay, Webster, and Calhoun were generally called. He was born in South Carolina on the 18th of March, 1782. His father was an Irishman who performed gallant service in the Revolutionary War, and his mother was a Virginian of English ancestors. Mr. Calhoun was graduated from Yale College, studied law and began practice at Abbeville, S. C., soon obtaining a lucrative business. He entered political life by means of the South Carolina Legislature, and in 1811 was elected a Representative in the Twelfth Congress. He was in his thirtieth year when he assumed the responsible duties of a national legislator—"a young man without experience to guide me," as he afterwards said; but his great ability speedily gave him an exalted position. He served for six years in the House of Representatives, then was Secretary of War; and then, in 1825, became Vice-President of the United States. In 1832, so eager was he to participate in the debates on State-rights and nullification then progressing in the United States Senate, that he resigned the office of Vice-President (the only case on record) and was elected Senator from South Carolina. He was Secretary of State from 1843 to 1845; and then for the remainder of his life he was a Senator. In 1850 he died in Washington. The greatest period of his public career of thirty-eight years, he always declared, was that covered by the discussions of the nullification question. When near the close of life he said to a friend, "If you should ask me what word I would wish engraven on my tombstone, I should say, Nullification."

Mr. Calhoun did not cultivate the graces of oratory, and could hardly be called eloquent in the common acceptation of the term; but his speech-making had much effect because it was characterized by earnestness and sincerity. He was a

poor extemporaneous debater, and his important speeches were always carefully prepared in advance and generally committed to memory. Morally he was a very pure man, and his enemies could only say that he had an inordinate political ambition. Tall and slender, with a swarthy face expressive of intellectual strength and kindliness, with restless, watchful, penetrating eyes, and hair "not reposing on the head, but starting from it like the Gorgon's," Mr. Calhoun was conspicuous among the statesmen of the day. He always wore plain black clothes, was easy and simple in manner, and kind, generous, and charitable. His prominent traits were independence and integrity. When asked once what he thought South Carolina would think of his action in a certain case, he replied: "I never know what South Carolina thinks of a measure. I never consult her. I act to the best of my judgment, and according to my conscience. If she approve, well and good. If she does not, or wishes any one else to take my place, I am ready to vacate. We are even."

Thomas Hart Benton, of Missouri, belonged to the group of statesmen of extended fame. He was born in North Carolina on March 14, 1784, and at an early age established himself as a lawyer at Nashville, Tenn. Subsequently he removed to Missouri, and was chosen one of the first United States Senators that the State had after her admission to the Union. Mr. Benton entered the Senate in 1821, and for twenty-nine years and seven months performed continuous service—the longest known in the history of the American Congress. From 1853 to 1855 he was a member of the House of Representatives; and in 1858 he died in Washington while engaged upon an abridgment of the debates of Congress. This excellent abridgment in many volumes, together with his well-known book giving a "Thirty Years' View" of the Senate, will perpetuate his memory, if nothing else does.

He was noted for his industry, for his exalted views of the public service, for the courage of his convictions. He was a zealous Democrat, ever ready to battle for the great underlying principles of the party, and he was always a strong defender of the Union. As an orator he was not captivating, because



his voice was bad and his manner far from agreeable; but he was a close student of books and nature, a profound thinker, and his speeches were usually very earnest and very learned. He was an exceedingly vain man, but his vanity was not offensive, and he was very kind-hearted and ever ready to assist others, especially the young. It was his custom to strut around the Senate Chamber clad in a long, double-breasted blue coat with a huge rolling collar, the observed of all observers, as he fondly imagined. He had a tall, stalwart body, a long head covered with curly gray hair, and a rather handsome face lighted by keen brown eyes.

With the above-mentioned statesmen there were, of course, many other able men who, in their day, were of considerable prominence in Congress. There was John Gaillard, who served in the Senate nearly as long as Mr. Benton, and who was the president *pro tempore* of that body for almost fourteen years—an erudite, talented South Carolinian of the old school of manners and dress; and there was Nathaniel Macon, of North Carolina, who for six years was Speaker of the House, and a very able one at that, and who for six times six years was a member of Congress—a Revolutionary patriot, an intimate friend of the first five Presidents, and a gentleman who had the honor of being styled “the model statesman.”

Then there was Rufus King, of New York, who for forty years was conspicuous in the public service, and who always appeared in the Senate clad in eighteenth-century garb—satin coat and waistcoat, knee-breeches, silken hose, and low shoes; and there was Samuel Smith, of Maryland, a merchant prince, who for twenty-three years sat in the Senate, and for nearly forty years was a member of Congress—a soldier of the Revolution, and a man highly esteemed for his executive ability and sensible views of public questions. Mention should also be made of William B. Giles, of Virginia, an accomplished debater—“the ready champion, always ripe for combat”—who served in Congress for fourteen years; of John Holmes, of Maine, an eloquent and witty man, who, as he said, “spoke right on, and generally called things by their right names,” and who was for sixteen years in the House and Senate; of Josiah Quincy, of

Massachusetts, in Congress for eight years in the early part of the century—an able legislator of scholarly attainments and forcible speech; of John Forsyth, the talented Georgian, who was noted for his elegance of manner as well as for his statesmanship; of Albert Gallatin, the very capable Swiss-American, who was a Representative from Pennsylvania and afterwards Secretary of the Treasury; and of George McDuffie, of South Carolina, an eloquent speaker and earnest champion of Southern institutions.

Timothy Pickering, James A. Bayard, William Pinkney, Langdon Cheves, Charles Pinckney, Felix Grundy, Littleton W. Tazewell, William H. Crawford, William Lowndes, Richard M. Johnson, Edward Livingston, George Poindexter, William C. Rives, and many others, might be included in the list of prominent statesmen of this period. Three of the statesmen who were in Congress during the first part of the century subsequently became Presidents of the United States. They were Andrew Jackson, Martin Van Buren, and William Henry Harrison.

Andrew Jackson was born of humble parents in North Carolina, on the 15th of March, 1767. When only fourteen years old he left school and joined the Revolutionary army, performing remarkable service for one so young. Subsequent to his military life he studied law and began its practice in western North Carolina. This section was set apart as a Territory in 1790, and finally was admitted to the Union as the State of Tennessee. Young Jackson was elected Representative to Congress from the new State, and after serving for one term was chosen United States Senator. He continued in the Senate until 1798, when he became a judge of the Supreme Court of Tennessee, and also major-general of a division of the State militia. In 1814 he was appointed a major-general of the United States army, and a few months later won great distinction by defeating the British at the memorable battle of New Orleans. He retired from the army after the war on the Seminole Indians in Florida, in 1818. From 1823 to 1825 he again served in the Senate, and in 1829 became President of the United States. General Jackson had a commanding presence.

Very tall, very erect, very gaunt, with a long, thin, strongly marked face, sparkling eyes, and luxuriant iron-gray hair, "Old Hickory," as he was named by his soldiers, because they thought him "tough as hickory," was indeed in appearance, as well as in character, an extraordinary man. He had an indomitable will, was brave almost to a fault; was ardently patriotic, devoted to his friends, and exceedingly kind and courteous to everybody except those whom he regarded as enemies. He was a good hater, and in all his fierce political contests displayed an inflexible firmness. With plenty of faults and plenty of virtues this "man of the age," as it was once the fashion to call him, occupies an important place in the annals of the country.

Martin Van Buren was born in the town of Kinderhook, N. Y., on the 5th of December, 1782. His early schooling was limited because of his father's humble circumstances. He became a lawyer, and then entering the political field, rapidly developed great sagacity and acquired an extensive reputation as a Democratic politician. He held several minor offices, served in the legislature, was attorney-general, and, in 1821, was chosen United States Senator. His senatorial career continued until 1829, when he became Governor of New York. Within a few weeks after taking this office President Jackson tendered him the portfolio of the Department of State, which he accepted. Leaving the gubernatorial chair at once, he entered Jackson's Cabinet, where, as it is believed, he was the "power behind the throne." Subsequently he was elected Vice-President, and, in 1837, President. It was said of Van Buren that he had "beautiful manners." He was a small, dapper, graceful, very complaisant man. He had large intellectual powers, and was ready, adroit, and skilful as a statesman.

William Henry Harrison, who became President in 1841, was a native of Virginia, where he was born on February 9, 1773. He was the youngest son of Benjamin Harrison, distinguished in the Continental Congress, as a signer of the Declaration of Independence and as Governor of Virginia. After graduating from college Harrison studied medicine, but just as

he was on the point of becoming a physician, he left his medical books and joined the United States Army as an ensign, having been commissioned by President Washington. He followed military life for some years, saw a great deal of service in the Indian wars, and eventually won the rank of captain. In 1797 he was appointed Secretary of the Northwest Territory, and, two years later, represented the Territory in Congress. He was afterwards Governor of the Territory of Indiana, and while filling this office defeated the Indians at the famous battle of Tippecanoe. During the War of 1812 he gallantly served in the American army with the rank of major-general. He was a Representative in Congress from Ohio for one term beginning in 1816, and in 1825 he was elected Senator. After serving about half of his term he accepted the appointment of Minister to the Republic of Colombia and retired from Congress. When he had finished his diplomatic service he became a farmer at North Bend, O., until he was called to the presidency. General Harrison was a tall, fine-looking man, plain in his dress and manner, and very social and agreeable.

Something must be said about Davy Crockett, the celebrated bear-hunter from Tennessee, who was a Representative in the Twentieth and Twenty-first Congresses, as he was an exceedingly unique character and one seldom seen among the nation's law-makers. His oft-repeated saying, "First be sure you're right, then go ahead," is an American classic.

Colonel Crockett—for he had been the colonel of a militia regiment in Tennessee—was a little more than forty years old when he first appeared in Washington, in 1827. He was six feet tall and very muscular. His face was as brown as an Indian's, seamed and weather-beaten, but it was pleasant to look upon because it always carried a smile. In fact, Crockett had an inexhaustible fund of good-nature, and kept all around him very merry with his funny sayings and odd actions. He was an uneducated, uncouth man, who had seen little of life outside of his native State, and was frequently making ridiculous blunders, which were usually "written up" in an exaggerated way and published in the newspapers and made the whole country laugh. It is stated that he was elected to Congress because he

had extraordinary physical strength. In his district great muscular force was an indispensable requisite in a candidate for public favor; and it is related in an old newspaper that "while his competitor was telling the people of his great merits, Davy was giving practical evidence of his by grubbing up a stump which two ordinary men would have abandoned in despair. This striking demonstration of statesmanlike qualities was irresistible to the yeomanry of Tennessee, and the election of our worthy Davy was carried by acclamation."

The same newspaper—the *Ariel*, published at Philadelphia—also said :

"While on his way to Washington, Crockett assured his companions that he could wade the Mississippi with a steamboat on his back, whip his weight in wild-cats, and 'ride a streak of lightning bareback.' Davy is the man who proposed to whip all the animals in the menagerie, consisting of a lion, a parcel of monkeys, and a zebra. On a certain occasion he said he intended to speak in the House of Representatives, for he saw no occasion for being diffident, as he could lick any man in it."

One day Crockett was sitting in the office of the old Indian Queen Hotel, in Washington, in company with a number of other congressmen. A member from Massachusetts was standing in the doorway looking out at the street. Turning suddenly, he called out, "Oh, Crockett, here come some of your constituents." Crockett rose, walked to the door, and saw before him a drove of mules going down the street.

"Where are they going?" asked the member from the Bay State.

"They are going to Massachusetts to teach school," replied Crockett, without changing the expression of his face, and then quietly took his seat again.

Davy Crockett attended a dinner given by President Adams at the White House, and afterwards gave the following account of it :

"When we went in to dinner I walked round the long table looking for something that I liked. At last I took my seat just beside a fat goose, and I helped myself to as much as I wanted.

But I hadn't took three bites when I looked away up the table at a man called Tash [*attaché*]. He was talking French to a woman on t'other side of the table. He dodged his head and she dodged hers, and they got to drinking wine across the table. If they didn't, I wish I may be shot. But when I looked back again my plate was gone, goose and all. So I just cast my eyes down to t'other end of the table, and, sure enough, I seed a white man walking off with my plate. Says I, 'Hello, mister, bring back my plate.' He fetched it back in a hurry, as you may suppose, and when he set it down before me how do you think it was? Licked as clean as my hand. If it wasn't, I wish I may be shot. Says he, 'What will you have, sir?' and says I, 'You may say that after stealing my goose,' and he began to laugh. If he didn't, I wish I may be shot. Then says I, 'Mister, laugh if you please, but I don't half like such tricks upon travellers. If I do, I wish I may be shot.' I then filled my plate with bacon and greens, and whenever I looked up or down the table I held my plate with my left hand. If I didn't, I wish I may be shot. When we were all done eating they cleared everything off the table and took away the table-cloth, and what do you think—there was another table-cloth under it. If there wasn't, I wish I may be shot. Then I saw a man coming along carrying a great glass thing with a glass handle below, full of little glass cups, with something in them that looked good to eat. Says I, 'Mister, bring that here.' Thinks I, let's taste 'em first. They were mighty sweet and good, and so I took six of them. If I didn't, I wish I may be shot."

At this period the Representatives always sat in the House with their hats on, a custom which had come down from the Continental Congress. It was thought to be a very great honor for the House to "uncover" for anything or anybody. The Speaker would sit in his chair all through a session with his hat on, but when he rose to call the attention of the House to any matter he would generally doff his hat. About 1830 "cloak rooms" were introduced, and gradually the members discontinued the practice of wearing their hats during a session.

It was the custom in both houses of Congress to have great silver urns, filled with the choicest and most fragrant "Macca-boy" and "Old Scotch" snuff, placed where the members could help themselves freely to the nose-titillating pulverized tobacco. Snuff-taking was then a very common habit with the congressmen, and it was no unusual thing to see a speaker, who was pouring out words of eloquence on the floor of the House or the Senate, stop suddenly, walk over to the snuff-urn, fill his nose, sneeze two or three times, flourish a bandanna handkerchief, and then walk back to his place and resume his remarks. Some of the old members had considerable reputation as graceful snuff-takers. Mr. Macon, who presided over the Senate so long, took snuff with such perfection that he was admired by all the Senators; and Mr. Clay, who imitated the French, was not far behind him in grace and polished ease.

The Representatives for a number of years were exceedingly partial to a beverage known as "switchel," and it was made a part of the duty of a certain official to compound every day a generous supply of this beverage. Switchel was composed of molasses, ginger, and pure water from the celebrated Capitol spring, and was "flavored" with the finest Jamaica rum. Many gallons of it were consumed daily, and whenever there was an exciting debate the supply had to be renewed again and again.

In each House there were official pen-makers, who mended the goose-quills used by the members; and official sealers, who had to seal with red wax all the letters and packages. It was customary to do everything in a very formal way, and simple methods were never thought of.

## CHAPTER XIX

Completion of the Work of Consolidating the American Republic.—The So-called "Clay and Adams Bargain."—John Randolph's Offensive Remarks.—Duel between Clay and Randolph.—Party Lines Newly Drawn.—The Democrats and the National Republicans.—The Question of Internal Improvements by the Government.—The "Historic" Tariff Revision of 1828.—Advocating Nullification.—General Jackson Elected President.—What is Known as the "Great Debate in the Senate," in 1830.—Hayne's Remarkable Speech and Webster's Celebrated Reply.

THE great work of consolidating the American Republic, which had been going on steadily ever since 1789, was about completed when John Quincy Adams became President in 1825. Out of a loose league of discordant, independent states, radically different in people, manners, ways of thought, and institutions, had been developed a solid, mighty nation. To this development President Adams referred in his inaugural address, and in a paragraph gave so excellent a statement of the condition of political affairs at the beginning of his administration that we will quote it, as follows:

"Of the two great political parties which have divided the opinions and feelings of our country, the candid and the just will now admit that both have contributed splendid talents, spotless integrity, ardent patriotism, and disinterested sacrifices to the formation and administration of this government; and that both have required a liberal indulgence for a portion of human infirmity and error. The revolutionary wars of Europe, commencing precisely at the moment when the government of the United States first went into operation under the Constitution, excited a collision of sentiments and of sympathies which kindled all the passions and imbittered the conflict of parties, till the nation was involved in war and the



Union was shaken to its centre. This time of trial embraced a period of five-and-twenty years, during which the policy of the Union, in its relations with Europe, constituted the principal basis of our political divisions and the most arduous part of the action of our federal government. With the catastrophe in which the wars of the French Revolution terminated, and our own subsequent peace with Great-Britain, this baneful weed of party strife was uprooted. From that time no difference of principle, connected either with the theory of government or with our intercourse with foreign nations, has existed, or been called forth in force sufficient to sustain a continued combination of parties, or give more than wholesome animation to public sentiment or legislative debate. Our political creed is, without a dissenting voice that can be heard, that the will of the people is the source, and the happiness of the people the end, of all legitimate government upon earth; that the best security for the beneficence, and the best guarantee against the abuse, of power consist in the freedom, the purity, and the frequency of popular elections; that the general government of the Union, and the separate governments of the states, are all sovereignties of legitimated powers, fellow-servants of the same masters—uncontrolled within their respective spheres, uncontrollable by encroachments upon each other. . . . If there have been those who doubted whether a confederated representative democracy were a government competent to the wise and orderly management of the common concerns of a mighty nation, those doubts have been dispelled; if there have been projects of partial confederacies to be erected upon the ruins of the Union, they have been scattered to the winds; if there have been dangerous attachments to one foreign nation, and antipathies against another—they have been extinguished. Ten years of peace, at home and abroad, have assuaged the animosities of political contention, and blended into harmony the most discordant elements of public opinion.”

Henry Clay was President Adams's Secretary of State, and out of his elevation to this great office grew the story that he had “bargained” to give his influence in the House of Representatives, which exceeded that of any other member, to

elect Mr. Adams. The story was believed by many, and for a long time it was the leading political scandal. Thousands were convinced that Mr. Clay had sold out to Mr. Adams for the honor of becoming Secretary of State; and although he and his friends most strenuously insisted that there was not a particle of truth in the charge, and called it "a great conspiracy" on the part of General Jackson's supporters, the odium rested on Mr. Clay for the remainder of his life, and doubtless considerably diminished his popularity. There does not seem to be, however, any substantial foundation for the charge. Mr. Clay, it is likely, favored Mr. Adams because the latter was a strong protectionist, and because he (Clay) had a belief (shared by many) that a soldier like General Jackson would not make a good President.

John Randolph, who was an ardent supporter of General Jackson, always took every opportunity he could in the House of Representatives to speak about the "Clay and Adams bargain," as he termed it; and on one occasion, after declaring that a certain paper connected with the Panama Mission "bore the ear-mark of having been manufactured or forged by the Secretary of State," he denounced the administration as "the combination, unheard of till then, of the Puritan and the blackleg."

Mr. Clay, very naturally, was highly indignant at Mr. Randolph's audacious charge of forgery and his offensive remarks, and promptly sent the Virginia statesman a challenge to fight a duel. The challenge was accepted, and on the 8th of April, 1826, the two famous men went a few miles from Washington on the Virginia side of the Potomac, and in a thick forest, which hid them from public view, exchanged shots, but without effect. Senator Benton, who was one of the witnesses of the duel, says: "I went in among the parties and offered my mediation; but nothing could be done. Mr. Clay said, with that wave of the hand with which he was accustomed to put away a trifle, 'This is child's play!' and required another fire. Mr. Randolph also demanded another fire."

At the second fire Mr. Clay's bullet passed through the skirt of Mr. Randolph's coat, very near the hip. Mr. Ran-

dolph, who had previously told Senator Benton in confidence that he did not intend to harm Mr. Clay, raised his pistol and discharged it in the air, saying, "I do not fire at you, Mr. Clay." Then he stepped forward and offered Mr. Clay his hand. Senator Benton says: "He was met in the same spirit. They met half-way, shook hands, Mr. Randolph saying jocosely, 'You owe me a coat, Mr. Clay'; to which Mr. Clay very promptly and happily replied, 'I am glad the debt is no greater.' . . . The joy of all was extreme at this happy termination of a most critical affair; and we immediately left, with lighter hearts than we brought."

General Jackson's supporters maintained that he should have been elected President, as he had the greatest number of the electoral votes; and that he would have been elected had not Mr. Clay and Mr. Adams made a corrupt bargain. In consequence of their belief that the hero of New Orleans had been robbed of the presidency, they did all they could to embarrass the administration of President Adams, and to lessen the popularity of his Secretary of State. At last the feeling in the country became so intense that party lines, which were almost obliterated, were newly drawn. The Jackson men, combining with the supporters of Crawford, assumed the party name of Democrats, while the Adams and Clay factions came together under the name of National Republicans, which was changed in 1834 to that of Whigs. The Democrats held to a strict construction of the Constitution, and were opposed to any further extension of the protective tariff; the National Republicans favored the loose construction of the old Federalists, and, in addition, supported protection and the doctrine that the government had the right to make internal improvements.

The question of internal improvements had been agitated from the beginning of the government, and in nearly every Congress since 1806 appropriations for the purpose of improving roads and harbors and rivers had been made. The government had also constructed a national highway called the Cumberland Road, which extended from Cumberland, Md., to the Ohio River. The Democrats had usually opposed in-

ternal improvements on the ground of their unconstitutionality, but the question was made more of a party matter in later years.

What is always called the "historic" revision of the tariff in 1828 produced a fierce sectional tempest. For six weeks Congress debated in a stirring manner a bill to increase further the duties on foreign manufactures, particularly those of cotton, wool, silk, hemp, and iron. The American manufacturers, sorely pressed in their competition with the manufacturers of Great Britain, earnestly pleaded for greater protection—for a tariff that would give the infant industries of the United States a chance to grow and become strong. The increase of duties was stubbornly resisted by the major number of the members of Congress from the Southern States, who avouched that it was clearly unconstitutional because it would cause unequal taxation—that is, the cotton-planting states would be taxed for the benefit of the manufacturing states. About one-half of the members from New England also opposed the increase; but the members from the Middle and the Western States were almost unanimously in favor of it.

The bill was passed in May, 1828, by a vote in the House of Representatives of yeas 105, nays 94; and in the Senate of yeas 26, nays 21. The bill not only increased the tariff to a considerable extent, but it contained a number of peculiar provisions—the "abominations," as they were called—which had been incorporated in it in consequence of the political complications attending its passage. Those who were opposed to it named it the "bill of abominations." The people of the cotton states became very indignant about it, and in South Carolina particularly there were immense public meetings at which inflammatory speeches were made and resolves passed, all urging nullification.

Never before since the period of intense political feeling caused by the enactment of the Alien and Sedition laws, in 1798, had there been advocates of nullification, or the assumed right of a State to nullify or cancel an act of Congress which she judged to be unconstitutional. This "colossal heresy," as James Madison very aptly described it, was now brought for-

ward prominently by the states of South Carolina and Georgia. They urged the other Southern states to follow their lead, but as there was great expectation that General Jackson, who was supposed to be in entire sympathy with the Southern movement against protection, would be elected President, these states would not take action in the matter; and, finally, the advocates of nullification in South Carolina and Georgia, for the same reason, also decided to await the result of the presidential election.

A determined effort was made to defeat the party which had advocated protection, and the effort was successful. John Quincy Adams, the candidate of the National Republicans for President, was beaten by General Jackson, who led the Democrats. John C. Calhoun was elected Vice-President. On the day of inauguration General Jackson declined an escort to the Capitol, and, unattended, rode down the broad Pennsylvania Avenue on his favorite war-horse, receiving at every step of the way hearty cheers from the vast throng of people who had come to Washington from all parts of the country to see the hero of New Orleans inaugurated President of the United States. In writing about the affair afterwards Daniel Webster said: "I never saw such a crowd here before. Many persons have come five hundred miles to see General Jackson, and they really seem to think that the country is rescued from some dreadful danger."

President Jackson had not been long in office when it was discovered that he had very positive opinions of his own, and that he did not intend to be controlled or unduly influenced by any faction of his party. The obnoxious tariff was rigidly enforced, much to the disgust of its opponents. The advocates of nullification were disappointed in the President, because they found he was patriotic and zealous in the discharge of his duty. They soon ceased to give him their support, and began to talk seriously of putting nullification in practice.

On the 29th of December, 1829, a resolution was offered in the Senate by Samuel A. Foot, of Connecticut, which read as follows:

*“Resolved, That the committee on public lands be instructed to inquire into the expediency of limiting for a certain period the sales of the public lands to such lands only as have heretofore been offered for sale, and are subject to entry at minimum price. And also, whether the office of Surveyor-general may not be abolished without detriment to the public interest.”*

Out of this simple resolution of inquiry came the “Great Debate in the Senate,” as it always has been called, which embraced nearly every topic in the wide range of American public affairs, and which produced Hayne’s remarkable speech and Webster’s celebrated reply. The resolution at first was briefly discussed, and then was made the special order for January 13, 1830, when it was debated by several Senators and then laid aside until the 18th. On that day Mr. Benton made a long speech against the resolution, arguing that a suspension of the sales of public lands would check emigration to the new Western States and diminish their prosperity. He charged that the Eastern States favored the measure because they wanted to keep their poor people at home to work in the factories at small wages, and he called it a scheme to pauperize the poor of the North. He inveighed against the “horrid policy, the cruel legislation which would confine poor people in the Northeast to work as journeymen in the manufactories, instead of letting them go off to new countries, acquire land, become independent freemen, and lay the foundation of comfort and independence for their children.”

Something like this line of argument was continued on the 19th by Robert Y. Hayne, of South Carolina—“the Achilles of the South”—a member of the Senate since 1823, and an able lawyer and eloquent orator of less than forty years of age. Mr. Hayne was a South Carolinian by birth, a self-made man, a gallant soldier of the War of 1812, and highly esteemed in his native State and elsewhere. He thought the policy of the government in relation to the public lands was not a liberal one, and that the West suffered from it to a great extent. There was no doubt that the government would treat the Western States in a more generous manner were it not for the

selfish opposition of New England to any change in the land policy. Arguing thus, he went on to charge, as Mr. Benton had done, that this opposition was inspired by the desire to preserve "a population suitable for conducting great manufacturing establishments." He said: "It is supposed by the advocates of the American System, that the great obstacle to the progress of manufacturing in this country is the want of that low and degraded population which infest the cities and towns of Europe, who, having no other means of subsistence, will work for the lowest wages, and be satisfied with the smallest possible share of human enjoyment. And this difficulty it is proposed to overcome by so regulating and limiting the sales of the public lands as to prevent the drawing off of this portion of the population from the manufacturing states."

The day after Mr. Hayne's speech Daniel Webster took the floor and denied that New England had ever manifested hostility to the West. He maintained that no portion of the country had acted "either with more liberality or more intelligence on the subject of the public lands in the new states than New England." He refuted the charge that the manufacturers were trying to keep "multitudes of dependent laborers" from seeking the West, and spoke at some length about the land policy of the government.

On the 21st of January, Mr. Hayne rose in the Senate and said, "Some things have fallen from the gentleman [Mr. Webster] which rankle here [touching his breast], from which I desire to relieve myself." And relieve himself he did; for, in a speech filling sixteen closely printed pages of Gales & Seaton's *Register of Debates in Congress*, then the official record, and occupying the greater part of two days in the delivery, he fiercely attacked Mr. Webster, reiterated and extended his charges against New England, amplified his previous statements in regard to the "illiberal policy" of the government towards the West, pictured the "disgraceful course" of Massachusetts during the War of 1812, spoke of slavery, eulogized South Carolina for her "uncalculating devotion to the Union from the very commencement of the Revolution up to this hour," and advocated State-rights and nullification.

While advocating the doctrine of State-rights Mr. Hayne asked, "Who are the true friends of the Union?" and then answered the question thus:

"Those who would confine the federal government strictly within the limits prescribed by the Constitution; who would preserve to the states and the people all powers not expressly delegated; who would make this a federal and not a national Union, and who, administering the government in a spirit of equal justice, would make it a blessing and not a curse. And who are its enemies? Those who are in favor of consolidation; who are constantly stealing power from the states, and adding strength to the federal government; who, assuming an unwarrantable jurisdiction over the states and the people, undertake to regulate the whole industry and capital of the country."

Mr. Hayne, in arguing that his State had the fullest right to decide as to the constitutionality of the Tariff Act, said:

"The Senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine, has attempted to throw ridicule upon the idea that a State has any constitutional remedy, by the exercise of its sovereign authority, against 'a gross, palpable, and deliberate violation of the Constitution.' He calls it 'an idle' or 'a ridiculous notion,' or something to that effect, and adds that it would make the Union a 'mere rope of sand.' Now, sir, as the gentleman has not condescended to enter into any examination of the question, and has been satisfied with throwing the weight of his authority into the scale, I do not deem it necessary to do more than to throw into the opposite scale the authority on which South Carolina relies; and there, for the present, I am perfectly willing to leave the controversy. The South Carolina doctrine—that is to say, the doctrine contained in an exposition reported by a committee of the legislature in December, 1828, and published by their authority—is the good old Republican doctrine of '98, the doctrine of the celebrated 'Virginia Resolutions' of that year, and of 'Madison's Report' of '99. It will be recollected that the Legislature of Virginia, in December, '98, took into consideration the Alien and Sedition laws, then considered by all



Republicans as a gross violation of the Constitution of the United States, and on that day passed, among others, the following resolution :

“‘The General Assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact to which the states are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact ; and that in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the states who are the parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them.’

“In addition to the above resolution, the General Assembly of Virginia ‘appealed to the other states, in the confidence that they would concur with the Commonwealth that the acts aforesaid [the Alien and Sedition laws] are unconstitutional, and that the necessary and proper measures would be taken by each for co-operating with Virginia in maintaining unimpaired the authorities, rights, and liberties reserved to the states respectively, or to the people.’

“But, sir, our authorities do not stop here. The State of Kentucky responded to Virginia, and on the 10th of November, 1798, adopted those celebrated resolutions, well known to have been penned by the author of the Declaration of American Independence. In those resolutions the Legislature of Kentucky declare, ‘that the government created by this compact was not made the exclusive or final judge of the extent of the power delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers ; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself as well of infractions as of the mode and measure of redress.’

“Sir, at that day the whole country was divided on this very question. It formed the line of demarcation between the

Federal and Republican parties; and the great political revolution which then took place turned upon the very questions involved in these resolutions. That question was decided by the people, and by that decision the Constitution was, in the emphatic language of Mr. Jefferson, 'saved at its last gasp.' I should suppose, sir, it would require more self-respect than any gentleman here would be willing to assume, to treat lightly doctrines derived from such high sources. Resting on authority like this, I will ask, gentlemen, whether South Carolina has not manifested a high regard for the Union when, under a tyranny ten times more grievous than the Alien and Sedition laws, she has hitherto gone no further than to petition, remonstrate, and to solemnly protest against a series of measures which she believes to be wholly unconstitutional and utterly destructive of her interests. Sir, South Carolina has not gone one step further than Mr. Jefferson himself was disposed to go in relation to the present subject of our present complaints; not a step further than the statesmen from New England were disposed to go under similar circumstances; no further than the Senator from Massachusetts himself once considered as within 'the limits of a constitutional opposition.'

"Thus it will be seen, Mr. President, that the South Carolina doctrine is the Republican doctrine of '98—that it was promulgated by the fathers of the faith—that it was maintained by Virginia and Kentucky in the worst of times—that it constituted the very pivot on which the political revolution of that day turned—that it embraces the very principles, the triumph of which, at that time, saved the Constitution at its last gasp, and which New England statesmen were not unwilling to adopt when they believed themselves to be the victims of unconstitutional legislation.

"Sir, as to the doctrine that the federal government is the exclusive judge of the extent as well as the limitations of its powers, it seems to me to be utterly subversive of the sovereignty and independence of the states. It makes but little difference, in my estimation, whether Congress or the Supreme Court is invested with this power. If the federal government, in all or any of its departments, is to prescribe the limits of its

own authority, and the states are bound to submit to the decision, and are not to be allowed to examine and decide for themselves when the barriers of the Constitution shall be overleaped, this is practically 'a government without limitation of powers.' The states are at once reduced to mere petty corporations, and the people are entirely at your mercy.

"I have but one word more to add. In all the efforts that have been made by South Carolina to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union by the only means by which she believes it can be long preserved—a firm, manly, and steady resistance against usurpation. The measures of the federal government have, it is true, prostrated her interests, and will soon involve the whole South in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest—a principle which, substituting the discretion of Congress for the limitations of the Constitution, brings the states and the people to the feet of the federal government, and leaves them nothing they can call their own. Sir, if the measures of the federal government were less oppressive, we should still strive against this usurpation. The South is acting on a principle she has always held sacred—resistance to unauthorized taxation. These, sir, are the principles which induced the immortal Hampden to resist the payment of a tax of twenty shillings. Would twenty shillings have ruined his fortune? No; but the payment of half of twenty shillings, on the principle on which it was demanded, would have made him a slave.

"Sir, if in acting on these high motives—if animated by that ardent love of liberty which has always been the most prominent trait in the Southern character, we should be hurried beyond the bounds of a cold and calculating prudence, who is there, with one noble and generous sentiment in his bosom, that would not be disposed, in the language of Burke, to exclaim, 'You must pardon something to the spirit of liberty'?"

Mr. Hayne spoke in a forcible manner, and at times was exceedingly eloquent. It was to this speech that Mr. Webster made his famed reply.

Hearty congratulations from many quarters were showered upon Mr. Hayne for his speech. It was said in the Senate by Mr. Benton that "as much as he [Mr. Hayne] had done to establish his reputation as an orator, a statesman, a patriot, and a gallant son of the South, the efforts of these days would eclipse and surpass the whole. They will be an era in his senatorial career which his friends and his country will mark and remember, and look back upon with pride and exultation." It was declared that Chatham and Burke in their palmiest days had never made so great and masterly an effort. The newspapers of the South, and a few in the North, gave lavish praise to the speech; and it was only here and there that one seemed to remember that Mr. Webster, with his wonderful mental resources, his severity of sarcasm, his convincing logic, and his electrifying eloquence, had yet to be heard. To one of Mr. Hayne's friends who was praising his speech, James Iredell, a Senator from North Carolina, remarked, "He has aroused the lion, but wait till we hear his roar or feel his claws."

Mr. Webster began his reply to Mr. Hayne on January 26, 1830. He spoke for three hours, and then the Senate adjourned. On January 27th he resumed his speech, and again spoke for three hours. There was much excitement in Washington, and all the hotels were crowded with strangers, many of whom had come from remote points to hear what was expected to be a remarkable discourse. Mr. C. W. March, a journalist of the time, gives the following description of the scene at the Capitol on the first day:

"As early as nine o'clock of this morning crowds poured into the Capitol in hot haste; at twelve o'clock, the hour of meeting, the Senate Chamber—its galleries, floor, and even lobbies—was filled to its utmost capacity. The very stairways were dark with men, who hung to one another like bees in a swarm.

"The House of Representatives was early deserted. An adjournment would have hardly made it emptier. The Speaker, it is true, retained his chair, but no business of moment was, or could be, attended to. Members all rushed in to hear Mr. Webster, and no call of the House or other parliamentary proceedings could compel them back. The floor of the Senate was so

densely crowded that persons once in could not get out nor change their positions. In the rear of the Vice-President's chair the crowd was particularly intense. A Representative from Alabama became wedged in here. From his enormous size, it was impossible for him to move without displacing a vast portion of the multitude. Unfortunately, too, for him, he was jammed in directly behind the Vice-President's chair, where he could not see and could hardly hear the speaker. By slow and laborious effort—pausing occasionally to breathe—he gained one of the windows which, constructed of painted glass, flank the chair of the Vice-President on either side. Here he paused, unable to make more headway; but determined to see Mr. Webster as he spoke, with his knife he made a large hole in one of the panes of glass. Many were so placed as not to be able to see the speaker at all.

“The courtesy of Senators accorded to the fairer sex room on the floor—the most gallant of them their own seats. The gay bonnets and brilliant dresses threw a varied and picturesque beauty over the scene, softening and embellishing it.”

The great Massachusetts orator was very calm and self-possessed when he rose to begin his speech to this remarkable assemblage. He said:

“Mr. President: When the mariner has been tossed for many days in thick weather and on an unknown sea he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude, and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and before we float further on the waves of this debate, refer to the point from which we departed, that we may, at least, be able to form some conjecture where we now are. I ask for the reading of the resolution.”

After the secretary had read Mr. Foot's resolution concerning the public lands, Mr. Webster took up the various charges made against him by Mr. Hayne, and answered them in a gentle, dignified, and sometimes witty manner. He reviewed the conduct of the government towards the settlers of the West, and asserted that in the disposal of the public territory there always had been the most generous system used. He

said that New England was "guiltless of the policy of retarding Western population, and of all envy and jealousy of the new states"; and, by various strong references, proved this to be the case. He maintained that South Carolina had "an efficient hand in establishing, in 1816," the tariff and the system of internal improvements by the government — the two measures, he said, which "are the great grounds on which she is now thought to be justified in breaking up the Union, if she sees fit to break it up!" There was one kind of "consolidation," he said, to which he was attached, and that was "the consolidation of our Union." He "wished not in the slightest degree to augment the powers of this government," but his object was "to preserve, not to enlarge." By "consolidating the Union" he understood "no more than the strengthening of the Union, and perpetuating it."

In reference to Mr. Hayne's "assault on the opinions, politics, and parties of New England, as they have been exhibited in the last thirty years," Mr. Webster said:

"New England has, at times, so argues the gentleman, held opinions as dangerous as those which he now holds. Suppose this were so; how should *he* therefore abuse New England? If he find himself countenanced by acts of hers, how is it that, while he relies on these acts, he covers, or seeks to cover, their authors with reproach? But, sir, if in the course of forty years, there have been undue effervescences of party in New England, has the same thing happened nowhere else? Party animosity and party outrage, not in New England, but elsewhere, denounced President Washington, not only as a Federalist, but as a Tory, a British agent, a man who in his high office sanctioned corruption. But does the honorable member suppose, if I had a tender here who should put such an effusion of wickedness and folly into my hand, that I would stand up and read it against the South? Parties ran into great heats again in 1799 and 1800. What was said, sir, or rather what was not said, in those years, against John Adams, one of the committee that drafted the Declaration of Independence, and its admitted ablest defender on the floor of Congress? If the gentleman wishes to increase his stores of party

abuse and frothy violence, if he has a determined proclivity to such pursuits, there are treasures of that sort south of the Potomac, much to his taste, yet untouched. I shall not touch them. The gentleman's purveyors have only catered for him among the productions of one side. I certainly shall not supply the deficiency by furnishing him samples of the other. I leave to him and to them the whole concern. It is enough for me to say that if in any part of their grateful occupation, if in all their researches, they find anything in the history of Massachusetts, or of New England, or in the proceedings of any legislative or other public body, disloyal to the Union, speaking slightingly of its value, proposing to break it up, or recommending non-intercourse with neighboring states, on account of difference in political opinion, then, sir, I give them all up to the honorable gentleman's unrestrained rebuke; expecting, however, that he will extend his buffetings in like manner *to all similar proceedings, wherever else found.*"

Mr. Webster continued :

"The eulogium pronounced on the character of the State of South Carolina by the honorable gentleman for her Revolutionary and other merits meets my hearty concurrence. I shall not acknowledge that the honorable member goes before me in regard for whatever of distinguished talent or distinguished character South Carolina has produced. I claim part of the honor, I partake in the pride of her great names. I claim them for my countrymen, one and all, the Laurenses, the Rutledges, the Pinckneys, the Sumters, the Marions—Americans all, whose fame is no more to be hemmed in by State lines than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation they served and honored the country, and the whole country; and their renown is of the treasures of the whole country."

With a grand burst of eloquence, Mr. Webster thus spoke of the Old Bay State :

"Mr. President, I shall enter upon no encomium of Massachusetts; she needs none. There she is. Behold her, and judge for yourselves. There is her history; the world knows it by

heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain forever. The bones of her sons, falling in the great struggle for independence, now lie mingled with the soil of every State from New England to Georgia, and there they will lie forever. And, sir, where American liberty raised its infant voice, and where its youth was nurtured and sustained, there it still lives in the strength of its manhood and full of its original spirit. If discord and disunion shall wound it, if party strife and blind ambition shall hawk and tear it, if folly and madness, if uneasiness under salutary and necessary restraint, shall succeed in separating it from that Union by which alone its existence is made sure, it will stand, in the end, by the side of that cradle in which its infancy was rocked; it will stretch forth its arm, with whatever of vigor it may still retain, over the friends who gather round it; and it will fall at last, if fall it must, amid the proudest monuments of its own glory, and on the very spot of its origin."

Mr. Webster then proceeded to state, and to defend, what he conceived to be the true principles of the Constitution. He said:

"I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those whose character and experience give weight and influence to their opinions such as cannot possibly belong to mine. But, sir, I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

"I understand the honorable gentleman from South Carolina to maintain that it is a right of the State legislatures to interfere whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

"I understand him to maintain this right as a right existing *under* the Constitution, not as a right to overthrow it on the ground of extreme necessity, such as would justify violent revolution.



"I understand him to maintain an authority on the part of the states thus to interfere, for the purpose of correcting the exercise of power by the general government, of checking it and of compelling it to conform to their opinion of the extent of its powers.

"I understand him to maintain that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general government, or any branch of it; but that, on the contrary, the states may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the general government transcends its power.

"I understand him to insist that, if the exigencies of the case in the opinion of any State government require it, such State government may, by its own sovereign authority, annul an act of the general government which it deems plainly and palpably unconstitutional.

"This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it and compare it with the Constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina as a State has ever advanced these sentiments. I hope she has not and never may. That a great majority of her people are opposed to the tariff laws is doubtless true. That a majority somewhat less than that just mentioned conscientiously believe these laws unconstitutional may probably also be true. But that any majority holds to the right of direct State interference at State discretion, the right of nullifying acts of Congress by acts of State legislation, is more than I know, and what I shall be slow to believe."

Mr. Webster denied the right of any State to annul a law of Congress except "on the ground of the inalienable right of man to resist oppression—that is to say, upon the ground of revolution." He said: "I admit that there is an ultimate violent remedy above the Constitution and in defiance of the Constitution, which may be resorted to when a revolution is to be

justified. But I do not admit that, under the Constitution and in conformity with it, there is any mode in which a State government, as a member of the Union, can interfere and stop the progress of the general government, by force of her own laws, under any circumstances whatever."

Speaking of the origin of the government, and the source of its power, he said :

" Whose agent is it ? Is it the creature of the State legislatures, or the creature of the people ? If the government of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it ; if it be the agent of the people, then the people alone can control it, restrain it, modify, or reform it. It is observable enough, that the doctrine for which the honorable gentleman contends leads him to the necessity of maintaining, not only that this general government is the creature of the states, but that it is the creature of each of the states severally, so that each may assert the power for itself of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, sir, the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people. The people of the United States have declared that this Constitution shall be supreme law. We must either admit the proposition, or deny their authority. The states are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the State legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the general government, so far the grant is unquestionably good, and the government holds of the people, and not of the State governments. We are all agents of the same supreme power, the people. The general government and the State governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and re-

stricted, and the other general and residuary. The national government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the State governments or to the people themselves. . . .

“The people, then, sir, erected this government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the states or the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear as to avoid the possibility of doubt; no limitation so precise as to exclude all uncertainty. Who, then, shall construe this grant of the people? Who shall interpret their will where it may be supposed they have left it doubtful? With whom do they repose this ultimate right of deciding on the powers of the government? Sir, they have settled all this in the fullest manner. They have left it with the government itself in its appropriate branches. Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted was to establish a government that should not be obliged to act through State agency, or depend on State opinion or State discretion. The people had had quite enough of that kind of government under the Confederation.”

Mr. Webster quoted the clause of the Constitution which declares the Constitution, or any law of the United States passed in pursuance of it, to be the supreme law of the land, and said:

“But who shall decide this question of interference? To whom lies the last appeal? This, sir, the Constitution itself decides also by declaring ‘*that the judicial power shall extend to all cases arising under the Constitution and laws of the United States.*’ These two provisions cover the whole ground. They are, in truth, the key-stone of the arch! With these it is a government, without them a confederation. In pursuance of these clear and express provisions, Congress established, at its

very first session, in the judicial act, a mode for carrying them into full effect, and for bringing all questions of constitutional power to the final decision of the Supreme Court. It then, sir, became a government. It then had the means of self-protection; and but for this it would, in all probability, have been now among things which are past. Having constituted the government and declared its powers, the people have further said that since somebody must decide on the extent of these powers, the government shall itself decide; subject always, like other popular governments, to its responsibility to the people."

Mr. Webster declared that for a State to resist by force the execution of a federal law would mean nothing less than revolution, and that the South Carolina doctrine was incompatible with any peaceful administration of the government, but would lead directly to civil commotion and disunion.

"Let it be remembered," he said, "that the Constitution of the United States is not unalterable. It is to continue in its present form no longer than the people who established it shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power between the State governments and the general government, they can alter that distribution at will.

"If anything be found in the national Constitution, either by original provision or subsequent interpretation, which ought not to be in it the people know how to get rid of it. If any construction unacceptable to them be established so as to become practically a part of the Constitution, they will amend it at their own sovereign pleasure. But while the people choose to maintain it as it is, while they are satisfied with it and refuse to change it, who has given, or who can give, to the legislatures a right to alter it, either by interference, construction, or otherwise? . . .

"The people have preserved this, their own chosen Constitution, for forty years, and have seen their happiness, prosperity, and renown grow with its growth and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault it cannot be; evaded, under-

mined, nullified it will not be if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust faithfully to preserve and wisely to administer it. . . .

“I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honor of the whole country, and the preservation of our Federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences these great interests immediately awoke as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, and personal happiness.

“I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this government whose thoughts should be mainly bent on considering, not how the Union may be best preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed. While the Union lasts we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that in my day, at least, that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned

to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on states dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, not a single star obscured, bearing for its motto no such miserable interrogatory as, 'What is all this worth?' nor those other words of delusion and folly, 'Liberty first and Union afterwards;' but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart: 'Liberty and Union, now and forever, one and inseparable!'"

This speech gave Mr. Webster world-wide fame. He was proclaimed the chief orator of the age, and his speech was held to be the greatest example of American eloquence. Thereafter he was called the "Expounder and Defender of the Constitution."

## CHAPTER XX

The Story of Nullification.—Convention of the People in South Carolina.—Passage of the Famous Ordinance of Nullification.—President Jackson's Proclamation of Warning.—Its Revision by James Madison.—Speeches in the United States Senate by John C. Calhoun, the Leader of the Nullifiers.—Stirring Debate upon "The Force Bill."—Calhoun's Resolutions on the Powers of the Government.—The Counter Resolutions.—Webster's Constitutional Argument.—Henry Clay's Efforts to Preserve the Union.—The Clay Compromise Tariff Act, which Settled the Nullification Storm.

THE story of Nullification is one of the most interesting in our political history. During the two years which followed the great debate in the Senate, the advocates of the "colossal heresy" seemed to recover from the severe blow given them by Webster and others, and again began to make trouble. In 1832 Congress revised the tariff in order to remove some of the burdens of the Act of 1828, and to put protection in the shape which its adherents wished to have it permanently maintain. Under the revision the duties averaged about thirty-four per cent. The hostility of the South to the protective principles was not abated by the changes made in the tariff, but in no Southern State, except South Carolina, was there any movement towards resisting the law. The legislatures of Alabama and Tennessee passed resolutions denouncing nullification in the strongest terms. In South Carolina, however, the excitement was again renewed, and it was boldly assumed that it was the right of the State to nullify the Tariff Act. The imaginations of the people were inflamed with the idea that they were being imposed upon by the protectionists, and it was declared that "honor required that they should assert their dignity and their rights by resistance."

On the 22d of October, 1832, the South Carolina Legislat-

ure was convened in special session by the governor for the purpose of authorizing a convention "to consider the character and extent of the usurpations of the general government." The convention was authorized, and met on the 19th of November. On the 24th of that month it passed the famous "Ordinance of Nullification." By this ordinance it was formally declared that Congress, by the Acts of 1828 and 1832, which laid "duties and imposts on foreign imports, but in reality intended for the protection of the domestic manufactures, and the giving of bounties to classes and individuals engaged in particular employments, at the expense of other classes and individuals, and by wholly exempting from taxation certain foreign commodities, such as are not produced or manufactured in the United States, to afford a pretext for imposing higher and excessive duties on articles similar to those intended to be protected, hath exceeded its just powers under the Constitution, which confers on it no authority to afford such protection, and hath violated the true meaning and intent of the Constitution, which provides for equality in imposing the burdens of taxation upon the several states and portions of the confederacy." The tariff acts were declared to be "unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this State, its officers or citizens." The ordinance further declared that any appeal to the Supreme Court of the United States from the decisions of the State courts involving the authority of this ordinance, or the validity of any acts of the legislature giving effect thereto, or the validity of the tariff acts of Congress, should be punished "as for a contempt of court." An oath of obedience to the ordinance, and all acts of the legislature passed in pursuance thereof, was prescribed for all public officers. It was further declared that if Congress should pass any act "to coerce the State, shut up her ports, destroy or harass her commerce," the said act was to be considered "as inconsistent with the longer continuance of South Carolina in the Union," and the people of the State would henceforth "hold themselves absolved from all further obligations to maintain or preserve



their political connection with the people of the other states," and forthwith would proceed "to organize a separate government." The 1st of February was the date fixed for the ordinance to take effect, at which time it was ordained that it should not "be lawful for any of the constituted authorities, whether of this State or of the United States, to enforce the payment of duties imposed by the said acts within the limits of this State."

There was also issued by the convention an address to the people of the United States, in which the position of South Carolina in regard to nullification was elaborately set forth, and the hope expressed that the other states would "give up the protective system, as the secession of South Carolina would inevitably produce a dissolution of the Union." In response to this address meetings were held in nearly every part of the country, and resolutions passed condemning the doctrine of nullification.

The necessary laws to give effect to the Ordinance of Nullification were passed by the South Carolina Legislature. The State began to make extensive military preparations; and so determined and excited were the citizens that they averred they would "maintain their position to the last extremity."

When information of the proceedings in South Carolina reached President Jackson, he immediately issued a proclamation warning the nullifiers of the consequences sure to follow if they persisted in the course they had entered upon. After giving an exposition of the powers of the federal government, the President said: "I consider, then, the power to annul a law of the United States, assumed by one State, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed." The President exhorted the people of South Carolina to obey the laws. He said:

"The laws of the United States must be executed. I have no discretionary power on the subject—my duty is emphatically pronounced in the Constitution. Those who told you that you

might peacefully prevent their execution deceived you—they could not have been deceived themselves. They knew that a forcible opposition could alone prevent the execution of the laws, and they knew that such opposition must be repelled. Their object is disunion; but be not deceived by names; disunion by armed force is *treason*. Are you ready to incur its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences—on their heads be the dishonor; but on yours may fall the punishment—on your unhappy State will inevitably fall all the evils of the conflict you force upon the government of your country.”

Before issuing his proclamation the President submitted it to ex-President Madison, who was then living in retirement on his estate near Orange Court-House, Va., called Montpelier. The draft of the proclamation was taken to Mr. Madison by Edward Livingston, then Secretary of State, who made a hasty journey on a cold December day to Montpelier, arriving there shortly after midnight. Mr. Madison had been in bed for more than three hours, but he was awakened, and consented to receive Mr. Livingston in his chamber.

At this time the venerable Father of the Constitution was a feeble man of eighty-two—one of the few distinguished survivors of the Revolutionary period. His illustrious predecessors in the presidency, John Adams and Thomas Jefferson, had passed away on the 4th of July, 1826; and his successor, James Monroe, had departed on the 4th of July, 1831. Mr. Madison had risen from an antique “four-poster” and curtained bed, and was sitting before a glowing wood-fire, clad in a loose flannel night-gown which reached to his feet, when Mr. Livingston entered his chamber. A small table on which burned a single tallow-candle stood by his side. As soon as he was informed of the object of the rather late call, his face brightened and he showed great interest in the matter. Another candle was lighted, and then Mr. Livingston began to read the proclamation very slowly to Mr. Madison, holding the important document between and close to the two dim lights. The ex-President listened attentively, and when the reading had finished asked to have it repeated. Mr. Livingston again slowly and

deliberately read the proclamation, and again the aged patriot paid the closest attention. Finally, after sitting for a few minutes in deep thought, Mr. Madison called for pen and ink and made a number of interlineations in the document, as President Jackson had requested he should do if he thought changes would improve it. The interlineations were made in a fine, legible hand.

It was dawn before the revision was completed. Mr. Madison had an early breakfast served for his guest, and then bade him farewell. Mr. Livingston reached the White House on the afternoon of the same day, and presented the revised proclamation to the President, who was so greatly pleased with the changes that had been made that he accepted all of them, and the next day issued the proclamation in the exact form and phrase of Mr. Madison's revision.

In reply to President Jackson a counter-proclamation was issued by Robert Y. Hayne, who had resigned his seat in the United States Senate to become Governor of South Carolina. Governor Hayne called on the people "to disregard the vain menaces of the President, and to protect the liberties of the State." The legislature authorized the enlistment of 12,000 volunteers, who were "to hold themselves in readiness to take the field at a minute's warning." A Southern historian says: "The excitement in the State became intense. A military spirit everywhere prevailed. The blue cockade with the palmetto button was almost universally worn, and musters were held every day. The city of Charleston wore the appearance of a military depot; and it was generally supposed that the first attempt to enforce the revenue laws of the United States on the 1st of February would produce instantaneous collision between the forces of the general government and the State."

President Jackson had the forts in Charleston harbor strongly garrisoned, and placed Gen. Winfield Scott in command. Several ships of war were also stationed in the bay. The President, it is stated, privately notified the leading nullifiers that if there were any trouble he should take the field in person at the head of a large army.

On the 4th of January, 1833, John C. Calhoun appeared in

the United States Senate to represent South Carolina, having been chosen to fill the vacancy caused by the resignation of Mr. Hayne. For nearly eight years Mr. Calhoun had presided over the Senate as Vice-President. He had been elected Senator that he might champion and defend the cause of nullification, and within a short time after he had taken his seat he made a passionate attack upon President Jackson's proclamation. "The cry has been raised," he said, "that the Union is in danger. I know of no other danger than that of military despotism, and I will proclaim it on this floor, that this is the greatest danger with which the Union is menaced—a danger the greatest which any country has to apprehend."

The famous bill to enforce the collection of the revenue, or the "Force Bill," as it was called, came before the Senate in the latter part of January, 1833. By this bill the President was empowered to employ the army and navy and the militia of the United States to suppress any armed or riotous assemblage of persons resisting custom-house officers in the discharge of their duty, or in any manner opposing the execution of the revenue laws. Before the debate on the bill had fairly begun, Mr. Calhoun, with the intention of provoking a discussion of the constitutional question at issue, presented the following resolutions declaratory of the powers of the government and the states, which he had very carefully drawn to cover the whole ground in dispute:

*"Resolved,* That the people of the several states composing these United States are united as parties to a constitutional compact, to which the people of each State acceded as a separate sovereign community, each binding itself by its own particular ratification; and that the Union, of which the said compact is the bond, is a union between the states ratifying the same.

*"Resolved,* That the people of the several States, thus united by the constitutional compact, in forming that instrument, and in creating a general government to carry into effect the objects for which they were formed, delegated to that government, for that purpose, certain definite powers, to be exercised jointly, reserving at the same time, each State to itself, the residuary mass of powers, to be exercised by its own separate

government; and that whenever the general government assumes the exercise of powers not delegated by the compact its acts are unauthorized and are of no effect; and that the same government is not made the final judge of the powers delegated to it, since that would make its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among sovereign parties, without any common judge, each has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress.

*“Resolved*, That the assertions that the people of these United States, taken collectively as individuals, are now, or ever have been, united on the principle of the social compact, and as such are now formed into one nation or people, or that they have ever been so united in any one stage of their political existence; that the people of the several states composing the Union have not, as members thereof, retained their sovereignty; that the allegiance of their citizens has been transferred to the general government; that they have parted with the right of punishing treason through their respective State governments; and that they have not the right of judging in the last resort as to the extent of the powers reserved, and, of consequence, of those delegated—are not only without foundation in truth, but are contrary to the most certain and plain historical facts and the clearest deductions of reason; and that all exercise of power on the part of the general government, or any of its departments, claiming authority from so erroneous assumptions, must of necessity be unconstitutional, must tend directly and inevitably to subvert the sovereignty of the states, to destroy the federal character of the Union, and to rear on its ruins a consolidated government, without constitutional check or limitation, and which must necessarily terminate in the loss of liberty itself.”

Felix Grundy, the very able Senator from Tennessee, presented a counter set of resolutions, as follows:

*“Resolved*, That, by the Constitution of the United States, certain powers are delegated to the general government, and those not delegated nor prohibited to the states, are reserved to the states respectively, or to the people.

*“Resolved, That one of the powers expressly granted by the Constitution to the general government, and prohibited to the states, is that of laying duties on imports.*

*“Resolved, That the power to lay imposts is by the Constitution wholly transferred from the State authorities to the general government, without any reservation of power or right on the part of the State.*

*“Resolved, That the tariff laws of 1828 and 1832 are exercises of the constitutional power possessed by the Congress of the United States, whatever various opinions may exist as to their policy and justice.*

*“Resolved, That an attempt on the part of a State to annul an act of Congress passed upon any subject exclusively confided by the Constitution to Congress is an encroachment on the rights of the general government.*

*“Resolved, That attempts to obstruct or prevent the execution of the several acts of Congress imposing duties on imports, whether by ordinances of conventions or legislative enactments, are not warranted by the Constitution, and are dangerous to the political institutions of the country.”*

Still another series of resolutions was presented by John M. Clayton, the distinguished Senator from Delaware, as follows :

*“Resolved, That the power to annul the several acts of Congress imposing duties on imports, or any other law of the United States, when assumed by a single State, is ‘incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed’ ; that the people of these United States are, for the purposes enumerated in their Constitution, one people and a single nation, having delegated full power to their common agents to preserve and defend their national interests for the purpose of attaining the great end of all government—the safety and happiness of the governed ; that while the Constitution does provide for the interest and safety of all the states, it does not secure all the rights of independent sovereignty to any ; that the allegiance of*

the people is rightfully due, as it has been freely given, to the general government, to the extent of all the sovereign power expressly ceded to that government by the Constitution; that the Supreme Court of the United States is the proper and only tribunal in the last resort for the decision of all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority; that resistance to the laws, founded on the inherent and inalienable right of all men to resist oppression, is in its nature revolutionary and extra-constitutional; and that, entertaining these views, the Senate of the United States, while willing to concede everything to any honest difference of opinion which can be yielded consistently with the honor and interest of the nation, will not fail, in the faithful discharge of its most solemn duty, to support the executive in the just administration of the government, and clothe him with all constitutional power necessary to the faithful execution of the laws and the preservation of the Union."

The three sets of resolutions brought the whole constitutional question before the Senate, and a lengthy discussion ensued. All the resolutions were finally laid on the table, and the debate began on the bill to enforce the collection of the revenue. After a number of Senators had presented their views, Mr. Calhoun made an elaborate speech against the bill. In beginning he said:

"Mr. President: At the last session of Congress it was avowed on all sides that the public debt, to all practical purposes, was in fact paid, the small surplus remaining being nearly covered by the money in the Treasury and the bonds for duties which had already accrued; but with the arrival of this event our last hope was doomed to be disappointed. After a long session of many months, and the most earnest effort on the part of South Carolina and the other Southern states to obtain relief, all that could be effected was a small reduction in the amount of the duties; but a reduction of such a character that, while it diminished the amount of burden, it distributed that burden more unequally than even the obnoxious act of 1828; reversing the principle adopted by the bill of

1816, of laying higher duties on the unprotected than the protected articles, by repealing almost entirely the duties laid upon the former, and imposing the burden almost entirely on the latter. It was thus that, instead of relief—instead of an equal distribution of burdens and benefits of the government, on the payment of the debt, as had been fondly anticipated—the duties were so arranged as to be, in fact, bounties on one side and taxation on the other; thus placing the two great sections of the country in direct conflict in reference to its fiscal action, and thereby letting in that flood of political corruption which threatens to sweep away our Constitution and our liberty.

“This unequal and unjust arrangement was pronounced, both by the administration, through its proper organ, the Secretary of the Treasury, and by the opposition, to be a *permanent* adjustment; and it was thus that all hope of relief through the action of the general government terminated; and the crisis so long apprehended at length arrived, at which the State was compelled to choose between absolute acquiescence in a ruinous system of oppression, or a resort to her reserved powers—powers of which she alone was the rightful judge, and which only, in this momentous juncture, could save her. She determined on the latter.”

Mr. Calhoun, after describing the action of the South Carolina legislature in reference to calling the convention which passed the Ordinance of Nullification, made this statement of the position taken by his State:

“The people of Carolina believe that the Union is a union of states and not of individuals; that it was formed by the states, and that the citizens of the several states were bound to it through the acts of their several states; that each State ratified the Constitution for itself, and that it was only by such ratification of a State that any obligation was imposed upon its citizens. Thus believing, it is the opinion of the people of Carolina that it belongs to the State which has imposed the obligation to declare in the last resort the extent of this obligation, as far as her citizens are concerned; and this upon the plain principle which exists in all analogous cases of compact



between sovereign bodies. On this principle the people of the State, acting in their sovereign capacity in convention, precisely as they did in the adoption of their own and the federal Constitution, have declared, by the ordinance, that the acts of Congress which imposed duties under the authority to lay imposts were acts not for revenue, as intended by the Constitution, but for protection, and therefore null and void. The ordinance thus enacted by the people of the State themselves, acting as a sovereign community, is as obligatory on the citizens of the State as any portion of the Constitution. In prescribing, then, the oath to obey the ordinance, no more was done than to prescribe an oath to obey the Constitution. It is, in fact, but a particular oath of allegiance, and in every respect similar to that which is prescribed, under the Constitution of the United States, to be administered to all the officers of the State and federal governments; and is no more deserving the harsh and bitter epithets which have been heaped upon it than that or any similar oath. It ought to be borne in mind that, according to the opinion which prevails in Carolina, the right of resistance to the unconstitutional acts of Congress belongs to the State, and not to her individual citizens; and that, though the latter may, in a mere question of *meum* and *tuum*, resist through the courts an unconstitutional encroachment upon their rights, yet the final stand against usurpation rests not with them, but with the State of which they are members; and such act of resistance by a State binds the conscience and allegiance of the citizen."

In regard to the "Force Bill" under consideration, Mr. Calhoun said:

"I consider this bill, and the arguments which have been urged on this floor in its support, as the most triumphant acknowledgment that nullification is peaceful and efficient, and so deeply intrenched in the principles of our system that it cannot be assailed but by prostrating the Constitution, and substituting the supremacy of military force in lieu of the supremacy of the laws. In fact, the advocates of this bill refute their own argument. They tell us that the ordinance is unconstitutional, that it infracts the Constitution of South Carolina, although to

me the objection appears absurd, as it was adopted by the very authority which adopted the Constitution itself. They also tell us that the Supreme Court is the appointed arbiter of all controversies between a State and the general government. Why, then, do they not leave this controversy to that tribunal? Why do they not confide to them the abrogation of the ordinance, and the laws made in pursuance of it, and the assertion of that supremacy which they claim for the laws of Congress? The State stands pledged to resist no process of the court. Why, then, confer on the President the extensive and unlimited powers provided in this bill? Why authorize him to use military force to arrest the civil process of the State? But one answer can be given: That, in a contest between the State and the general government, if the resistance be limited on both sides to the civil process, the State, by its inherent sovereignty, standing upon its reserved powers, will prove too powerful in such a controversy, and must triumph over the federal government, sustained by its delegated and limited authority; and in this answer we have an acknowledgment of the truth of those great principles for which the State has so firmly and nobly contended."

Mr. Calhoun declared that the great question at issue was: "Is this a federal union, a union of states, as distinct from that of individuals? Is the sovereignty in the several states, or in the American people in the aggregate? The very language which we are compelled to use when speaking of our political institutions affords proof conclusive as to its real character. The terms union, federal, united, all imply a combination of sovereignties, a confederation of states. They never apply to an association of individuals. Who ever heard of the United State of New York, of Massachusetts, or of Virginia? Who ever heard the term federal or union applied to the aggregation of individuals into one community? Nor is the other point less clear—that the sovereignty is in the several states, and that our system is a union of twenty-four sovereign powers, under a constitutional compact, and not of a divided sovereignty between the states severally and the United States.

"Disguise it as you may," Mr. Calhoun said in conclusion,

“the controversy is one between power and liberty ; and I tell the gentlemen who are opposed to me that as strong as may be the love of power on their side, the love of liberty is still stronger on ours.”

Daniel Webster followed Mr. Calhoun in a speech of great strength. He condemned the theory of nullification, which he said might thus be described :

“Beginning with the original error, that the Constitution of the United States is nothing but a compact between sovereign states ; asserting, in the next step, that each State has a right to be its own sole judge of the extent of its obligations, and, consequently, of the constitutionality of laws of Congress ; and in the next, that it may oppose whatever it sees fit to declare unconstitutional, and that it decides for itself on the mode and measure of redress, the argument arrives at once at the conclusion that what a State dissents from it may nullify, what it opposes it may oppose by force, what it decides for itself it may execute by its own power ; and that, in short, it is itself supreme over the legislation of Congress, and supreme over the decisions of the national judicature—supreme over the Constitution of the country, and supreme over the supreme law of the land. However it seeks to protect itself against these plain inferences by saying that an unconstitutional law is no law, and that it only opposes such laws as are unconstitutional, yet this does not in the slightest degree vary the result, since it insists on deciding this question for itself, and, in opposition to reason and argument, in opposition to practice and experience, in opposition to the judgment of others having an equal right to judge, it says only : ‘Such is my opinion, and my opinion shall be my law, and I will support it by my own strong hand. I denounce the law. I declare it unconstitutional—that is enough ; it shall not be executed. Men in arms are ready to resist its execution. An attempt to enforce it shall cover the land with blood. Elsewhere it may be binding, but here it is trampled under foot.’ This, sir, is practical nullification.”

Mr. Webster laid down these propositions :

“I. That the Constitution of the United States is not a league, confederacy, or compact between the peoples of the

several states in their sovereign capacity, but a government proper, founded on the adoption of the people, and creating direct relations between itself and individuals.

“II. That no State authority has power to dissolve those relations ; that nothing can dissolve them but revolution ; and that, consequently, there can be no such thing as secession without revolution.

“III. That there is a supreme law, consisting of the Constitution of the United States, acts of Congress passed in pursuance of it, and treaties ; and that, in cases not capable of assuming the character of a suit in law or equity, Congress must judge of, and finally interpret, this supreme law, so often as it has occasion to pass acts of legislation ; and in cases capable of assuming, and actually assuming, the character of a suit, the Supreme Court of the United States is the final interpreter.

“IV. That an attempt by a State to abrogate, annul, or nullify an act of Congress, or to arrest its operation within her limits on the ground that, in her opinion, such law is unconstitutional, is a direct usurpation on the just powers of the general government and on the equal rights of other states, a plain violation of the Constitution, and a proceeding essentially revolutionary in its character and tendency.”

In concluding his speech Mr. Webster said :

“The world would scarcely believe that this whole controversy and all the desperate measures which its support requires have no other foundation than a difference of opinion upon a provision of the Constitution, between a majority of the people of South Carolina on one side, and a vast majority of the whole people of the United States on the other. It will not credit the fact, it will not admit the possibility that, in an enlightened age, in a free, popular republic, under a government where the people govern—as they must always govern under such systems—by majorities, at a time of unprecedented happiness, without practical oppression, without evils such as may not only be pretended, but felt and experienced ; evils not slight or temporary, but deep, permanent, and intolerable—a single State should rush into conflict with all the rest, attempt to put down the power of the Union by her own laws, and to

support those laws by her military power, and thus break up and destroy the world's last hope. And well the world may be incredulous. We, who hear and see it, can ourselves hardly yet believe it. Even after all that had preceded it, this ordinance struck the country with amazement. It was incredible and inconceivable that South Carolina should thus plunge headlong into resistance to the laws on a matter of opinion, and on a question in which the preponderance of opinion, both of the present day and of all past time, was so overwhelmingly against her. The ordinance declares that Congress has exceeded its just power by laying duties on imports, intended for the protection of manufactures. This is the opinion of South Carolina, and on the strength of that opinion she nullifies the laws. Yet has the rest of the country no right to its opinions also? Is one State to sit sole arbitress? She maintains that those laws are plain, deliberate, and palpable violations of the Constitution; that she has a sovereign right to decide this matter; and that, having so decided, she is authorized to resist their execution by her own sovereign power; and she declares that she will resist it, though such resistance should shatter the Union into atoms."

Thomas Hart Benton, in his *Thirty Years' View*, gives the opinion that it was slavery, and not the protective tariff, which caused all this advocacy of nullification and secession. Mr. Calhoun and other Southern statesmen, he thinks, were able to see that before many years the slavery question would be strenuously agitated by the North, and they sought, by the discussion of the doctrine of resistance to the acts of Congress, to place the South in a position which might be advantageous to her in the future.

On the 28th of February, 1833, Congress passed the Enforcing Act—the "Bloody Bill," as it was called in South Carolina—but President Jackson had no occasion to use the authority the act gave him to collect the revenue, if need be, by the assistance of an armed force. The Nullification Ordinance was to take effect on the 1st of February, but shortly before that time the leading nullifiers held a meeting at Charleston, and decided that it would not be advisable to attempt to execute the ordi-

nance until Congress should adjourn. Before Congress had finished its session the Clay Compromise Tariff Act was passed, and that settled the nullification storm.

As the leading advocate and most prominent defender of the American system of protection, it was fitting that Henry Clay should bring forward a measure designed to effect a compromise between the manufacturing interests of the North and the planters of the South. The administration, although fully determined to execute the Tariff Law and suppress insurrection, was in reality almost as hostile to protection as the nullifiers themselves. In a report to Congress the Secretary of the Treasury had recommended that the protective system be abandoned, because, as he said, "it conferred undue advantage upon the manufacturing interests"; and in accordance with his report a bill to reduce the duty on imports to an average of fifteen per cent. had been reported to the House of Representatives by the committee on ways and means. Mr. Clay saw that there was great danger of civil war if the tariff were not reduced; and, on the other hand, he realized that the nascent manufactures of the country would be wiped out of existence if the bill before the House should become a law; for, as one has said, it "surrendered the principle of protection as completely as nullification could desire." He determined, therefore, to introduce a compromise measure which would satisfy the opponents of the tariff, save the manufacturers from ruin, and prevent the horrors of fraternal strife. At first the measure met with considerable opposition both from the nullifiers and the protectionists; but Mr. Clay labored with intense zeal for its success, and finally secured a majority in both houses of Congress for the compromise.

The Clay Compromise Tariff Act of 1833, which was passed in the House of Representatives by 119 yeas to 85 nays, and in the Senate by 29 yeas to 16 nays, provided for an ultimate reduction of duties on all imported articles to a uniform level of twenty per cent. *ad valorem*. This reduction was to be made gradually at first. The Tariff of 1832 was made the basis of the reductions. All duties in that tariff which amounted to more than twenty per cent. were to have one-tenth of the ex-

cess taken off on the 1st of January, 1834; another tenth was to be taken off on the 1st of January, 1836; another tenth on the 1st of January, 1838; and still another tenth on the 1st of January, 1840. The remaining reductions were to be made quickly. On the 1st of January, 1842, three-tenths of the excess were to be taken off; and on the 1st of July, 1842, the remaining three-tenths were to be taken off. The final reduction of duties to a uniform level of twenty per cent. was the concession to the nullifiers; and the slow reduction was the concession to the protectionists. Mr. Clay believed that this compromise would harmonize the country and restore tranquillity, and also save the protective principle from being utterly destroyed. In nine years, he believed, the experience of the country with protection would be so satisfactory that the system would be "planted in the bosoms and affections of the people," as he said.

Shortly after the passage of the Compromise Act, South Carolina accepted the modification of the tariff and repealed her nullifying ordinance. It is thought that the State was glad to be released from her anomalous position in so easy and honorable a way.

When General Jackson was asked one day, towards the end of his life, what he should have done with Mr. Calhoun and the other nullifiers if they had persisted in their course, he replied with all his old fervency: "Hung them, sir, as high as Haman! They should have been a terror to traitors to all time, and posterity would have pronounced it the best deed of my life."

## CHAPTER XXI

The Noted Bank of the United States.—Its Remarkable Development into a Huge, Uncontrollable Financial Power.—President Jackson's Opposition to what He Termed "the Monster."—The War on the Bank.—A Severe Contest about the Renewal of the Bank's Charter.—Jackson's Veto of the Rechartering Act.—Removal of the Government Deposits from the Bank.—Clay's Senate Resolution Censuring President Jackson.—The President's Celebrated Protest.—Benton's Expunging Resolution.—How the Clay Resolution was Expunged from the Senate Journal.—Downfall of the Bank.

It was during President Jackson's administration of the affairs of the government that the huge financial corporation known as the Bank of the United States was wrecked by the war made on it by "Old Hickory" and those who believed with him that it was "dangerous and pernicious to the government and the people." The rise, the remarkable expansion, and the ultimate downfall of this national bank constitute an important chapter in American annals. It was the second institution of the kind, the first having stopped in 1811 by charter limitation after an existence of twenty years. Congress gave a charter to the Bank of the United States in 1816, and on the 7th of January, 1817, it began business. In less than two years it was on the verge of bankruptcy, and the government was compelled to give it a strong helping hand to pull it from the financial mire in which reckless management had placed it. Recovering its strength rapidly, it was soon able to take a commanding position, and for a long time it was the "uncontrollable monarch of the moneyed system of the Union," as Thomas Hart Benton graphically says, and had great financiers, merchant princes, eminent statesmen in its train and ready to do its bidding. It handled millions of the public money and millions of private money, it held a vast amount of property in all parts of the country, and it seems to



have been a sort of financial octopus, stretching its arms here, there, and everywhere into the national concerns.

Previous to the establishment of this bank there had been no treasury or place provided by Congress for the safe-keeping of the government funds. The Treasury Department, with its half-hundred or so of officials and clerks, occupied a small brick building in Washington which stood on the site of the present massive Treasury Building, but no considerable amount of the public money was ever kept there. In the Secretary of the Treasury was vested "the custody and care of the public treasury," as it was then designated; and under him was the Treasurer of the United States, who had the direct charge of the funds, which he deposited wherever the Secretary of the Treasury thought they would be safe and convenient. The secretary was responsible for them; but this responsibility was taken from him by the act establishing the Bank of the United States, which became by law the sole custodian and disbursing officer of the government revenues, then amounting to about \$25,000,000 a year. From the time the bank began business until the government money ceased to be deposited in its vaults by order of President Jackson, in 1833, it was the national depository of the public funds, and acted as the fiscal agent of the government, which held one-fifth of its capital stock—\$7,000,000. The remainder of its stock—\$28,000,000—was in the possession of individuals both in this country and in Europe, and was rated at fifty per cent. above its par value.

The bank had its headquarters in Philadelphia, where it occupied a fine marble building. It had a large branch establishment in Washington, and branches of more or less importance in twenty-four other American cities, each branch having a president, cashier, and board of directors. It had agencies in the principal European cities. More than five hundred persons were employed in the bank's business. Nicholas Biddle, a distinguished financier of Philadelphia, was at the head of this gigantic moneyed concern, and all its officials were men of great prominence and influence. Notes to the amount of \$35,000,000 could be issued by the bank, and these

notes, by law, were receivable at every custom-house, post-office, and land-office, and by every collector of the public revenue. The notes were circulated throughout the country, and were considered almost as good as gold. The government deposits in the bank averaged \$6,000,000, and the private deposits were as much more. The discounts made by the bank often amounted to \$60,000,000 a month, and its yearly profits exceeded \$3,000,000. The bank was authorized by its charter to hold as pledges for money loaned "lands, rents, tenements, hereditaments, goods, chattels, and effects," to the amount of \$55,000,000; and when the war on it began it was the owner of houses, mills, workshops, and all sorts of property, from one end of the country to the other. Even in these days of large financial enterprises this famous bank of more than half a century ago would be called an enormous institution.

From the very beginning of his term President Jackson opposed the bank. He was a hard-money man, and believed it his duty to "unbank the banks," which were then exceedingly numerous in the country, and substitute for their unsubstantial paper currency the gold and silver unquestionably intended by the Constitution to be the circulating medium. He believed also that the Bank of the United States had grown corrupt and become an evil which demanded suppression. Its powers were too extensive, and its privileges and immunities too unrestricted. It was a gigantic and overshadowing monopoly, and the gallant old soldier was certain he could do the people no better service than to war on this powerful corporation. In his first annual message to Congress, in December, 1829, Jackson said:

"The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the legislature and the people. Both the constitutionality and the expediency of the law creat-

ing this bank are well questioned by a large portion of our fellow-citizens; and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency. Under these circumstances, if such an institution is deemed essential to the fiscal operations of the government, I submit to the wisdom of the legislature whether a national one, founded on the credit of the government and its revenues, might not be devised, which would avoid all constitutional difficulties, and, at the same time, secure all the advantages to the government and country that were expected to result from the present bank."

President Jackson subsequently declared that this bank, which had been created for the convenience of the government, and which had been given the name, the credit, and the revenues of the government, had become "the scourge of the people." Therefore, in the interest of the people, he began to fight "the monster," as he designated the bank; and succeeded in preventing the renewal of its charter after a contest which caused intense public feeling, and made him hated and loved in about equal degree.

Senator Benton, who was the chief of Jackson's champions and supporters in the bank fight, says:

"That President Jackson is, and always has been, opposed to the existence of the bank, is a fact as true as it is honorable to him; that he is hostile to it, in the vindictive and revengeful sense of the phrase, is an assertion without evidence. . . . The President has opposed the recharter of the bank; he has opposed its future, not its present existence; and those who characterize this opposition to a future charter as attacking the bank, and destroying the bank, must admit that they advocate the hereditary right of the bank to a new charter after the old one is out, and that they deny to a public man the right of opposing that hereditary claim."

It is maintained by some writers of this period that President Jackson was opposed to the bank because he could not make it a political machine to work in his own interest and in the interest of the Democratic party, of which he was the leader and popular idol. The assertion is made that certain per-

sons, who were supposed to be acting for him, were repulsed when they sought to make "a political capture of the bank"; and this repulse so greatly incensed him that he swore, "by the Eternal," he would "overthrow the prodigious monopoly." Be this as it may, the bank fight was a lively and interesting one, as all of Jackson's fights were, and resulted in the "divorce of bank and state," and ultimately in the establishment of the present independent treasury system for the caring and disbursing of the government funds.

The suggestion made by President Jackson, in his message of 1829, that it might be well to have a government fiscal agent unconnected with any private banking institution, "was seized upon as an admitted design to establish a government bank," says Senator Benton, and "stigmatized at once as a 'thousand times more dangerous' than an incorporated national bank, and held up to alarm the country." Mr. Benton continues as follows:

"Committees in each house of Congress, and all the public press in the interest of the existing Bank of the United States, took it up in that sense, and vehemently inveighed against it. Under an instruction to the finance committee of the Senate to report upon a plan for a uniform currency, and under a reference to the committee of ways and means of the House of that part of the President's message which related to the bank and its currency, most ample, elaborate, and argumentative reports were made, wholly repudiating all the suggestions of the President, and sustaining the actual Bank of the United States under every aspect of constitutionality and of expediency, and strongly presenting it for a renewal of its charter. These reports were multiplied, without regard to expense or numbers, in all the varieties of newspaper and pamphlet publication, and lauded to the skies for their power and excellence and triumphant refutation of all the President's opinions. Thus was the 'war of the bank' commenced at once in both houses of Congress and in the public press; and openly at the instance of the bank itself, which, forgetting its position as an institution of the government, set itself up for a power, and struggled for a continued existence—in the shape of a new charter—

as a question of its own, and almost as a right. It allied itself to the political party opposed to the President, joined in all their schemes of protective tariff and national internal improvement, and became the head of the American System. With its moneyed and political power and numerous interested affiliations, and its control over banks, brokers, and money dealers, it was truly a power and a great one."

In February, 1831, five years before the expiration of the charter of the bank, Mr. Benton tried to obtain leave to introduce a resolution in the Senate to the effect that the charter ought not to be renewed. He made a long and elaborate speech in support of his resolution, arguing with a great deal of force that the bank was becoming too powerful to be longer tolerated in a free country. He thought that a great moneyed power, connected with the government and controlling its fiscal operations, was dangerous to every interest, public and private, political as well as pecuniary; and he declared that it tended "to aggravate the inequality of fortunes; to make the rich richer, and the poor poorer; to multiply nabobs and paupers, and to deepen and widen the gulf which separates Dives from Lazarus." No one replied to his speech, and he was refused leave to introduce his resolution by a vote of 23 to 20. The speech was afterwards circulated all over the country, and as it was widely read by the people it had a potent effect and gave the bank a blow from which it never recovered.

As the renewal of the bank's charter was becoming a matter of common talk everywhere in the country, the directors of the institution thought it advisable to take action about it at once. Accordingly they presented a petition to Congress praying for a renewal, and subsequently a bill was reported to renew the charter of the bank for a term of fifteen years from its expiration. The bill was debated with much earnestness for nearly five months, and aroused an intense political feeling. The National Republicans (afterwards known as Whigs) were generally on the side of the bank, and Clay and Webster, the leaders of the party, did all they could to secure the recharter. The Democrats in various ways offered a strong opposition to the bill, but they were unable to prevent its passage in the

summer of 1832, by a vote of 28 to 20 in the Senate, and of 106 to 84 in the House of Representatives.

The presidential election was near at hand, and it was believed by many that the rechartering bill was passed at this time in order to compel President Jackson, who was a candidate for re-election in opposition to Henry Clay, the nominee of the National Republicans, to sign it contrary to his judgment, or run the risk of encountering the hostility of the bank in the presidential campaign. The whole country eagerly awaited the action of the President. The bill was presented to him for his signature on the 4th of July, and in six days thereafter he returned it without his approval to the Senate, where it had originated.

What may be called a desperate effort was made in the Senate to pass the rechartering bill over the President's veto. Able speeches, some of them even entitled to be styled great, were delivered in behalf of the bank by Webster, Clay, Ewing, Clayton, and other prominent Senators, and a large amount of "persuasive work" was also done; but all to no purpose, for the bill failed to secure the two-thirds vote which the Constitution declares necessary to override the disapproval of the President.

The people of the United States evidently indorsed Jackson's veto, for they re-elected him President by a surprisingly large majority after a very exciting campaign. He received 219 electoral votes, while Henry Clay, his distinguished competitor, received only 49 votes. The President was exceedingly gratified by the popular approval of his war on the bank, and speedily set himself to further efforts in this line. In his annual message to Congress, in 1832, he recommended an investigation of the bank. He said:

"Such measures as are within the reach of the Secretary of the Treasury have been taken to enable him to judge whether the public deposits in this institution may be regarded as entirely safe; but as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under the firm belief that it is worthy of their serious investigation. An inquiry into the transactions of the institution, embracing the branches as well as the principal bank,

seems called for by the credit which is given throughout the country to many serious charges impeaching its character, and which, if true, may justly excite the apprehension that it is no longer a safe depository of the money of the people."

A perfunctory examination of the bank's affairs was made by an agent of the Treasury Department, and he reported that the bank had liabilities of \$37,296,950 and assets of \$79,593,870, an excess of assets over liabilities of more than forty-two millions. Shortly after this exhibition of remarkable prosperity a resolution was passed in the House of Representatives that the government deposits "may be safely continued in the Bank of the United States."

As Congress would not make the "inquiry into the transactions" of the bank that President Jackson desired, he determined to have the government money removed from the vast institution and deposited in State banks in various parts of the country. At a meeting of his Cabinet in September, 1833, he announced his determination, and read a paper giving the reasons for his proposed action. He believed that the bank had a dangerous tendency; that it had tried to influence public sentiment in the recent presidential election; that the government directors had been deprived of a full and complete knowledge of its transactions; that the funds belonging to the government had been misapplied; that the people by re-electing him President had finally decided against the recharter of the bank; and, therefore, that there was need of a new arrangement for the safe-keeping of the government money.

The paper concluded as follows: "The President again repeats that he begs his Cabinet to consider the proposed measure as *his own*, in support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise; without which all will unite in saying that the blood and treasure expended by our forefathers in the establishment of our happy system of government will have been vain and fruitless."

The President signed his name to the paper, and had it published throughout the country. He wanted the public to know why he had decided to take the important step.

By law the Secretary of the Treasury could, at any time, remove the public money from the Bank of the United States, and deposit it elsewhere, but he was required to give his reason for doing so to Congress. William J. Duane, of Pennsylvania, was secretary in 1833, and when the President directed him to remove the deposits he positively refused, declaring that their removal would be unjust to the bank, which had a contract with the government for their use, and also disrespectful to Congress, which had only a short time previously formally declared that the deposits were safe in the keeping of the bank. He was at once removed from office, and Roger B. Taney, of Maryland, then Attorney-general, but afterwards Chief-Justice of the United States, was appointed in his stead. Secretary Taney, in accordance with the President's desire, issued an order directing that on and after the 1st of October, 1833, the public money should be deposited in certain State banks, afterwards nicknamed "pet banks." At this time the government had about ten million dollars on deposit in the Bank of the United States. This vast sum was not removed at once, but was gradually drawn out in the course of business. The cessation of the government deposits compelled the bank to call in its loans, and a great deal of commercial distress followed in consequence.

The President's "arbitrary exercise of power," as it was termed by his opponents, caused much excitement throughout the country. In a number of cities large public meetings were held, and resolutions condemnatory of his course were passed. His friends rallied to his support, however, with enthusiastic words of approval, and some of the State legislatures gave him hearty indorsement.

In December, 1833, the first session of the Twenty-third Congress began. In his annual message President Jackson said:

"Since the last adjournment of Congress the Secretary of the Treasury has directed the money of the United States to



be deposited in certain State banks designated by him; and he will immediately lay before you the reasons for this direction. I concur with him entirely in the view he has taken of this subject, and some months before the removal I urged upon the department the propriety of taking that step. The near approach of the day on which the charter will expire, as well as the conduct of the bank, appeared to me to call for this measure, upon the high considerations of public interest and public duty. The extent of its misconduct, however, although known to be great, was not at the time fully developed by proof. It was not until late in the month of August that I received from the government directors an official report, establishing beyond question that this great and powerful institution had been actively engaged in attempting to influence the elections of the public officers by means of its money; and that, in violation of the express provisions of its charter, it had by a formal resolution placed its funds at the disposition of its president, to be employed in sustaining the political power of the bank. A copy of this resolution is contained in the report of the government directors before referred to; and, however the objects may be disguised by cautious language, no one can doubt that this money was in truth intended for electioneering purposes, and the particular uses to which it is proved to have been applied abundantly show that it was so understood. Not only was the evidence complete as to the past application of the money and power of the bank to electioneering purposes, but that the resolution of the board of directors authorized the same course to be pursued in the future.

“It being thus established by unquestionable proof that the Bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the executive department of the government ought to pursue was not doubtful. As by the terms of the bank charter no officer but the Secretary of the Treasury could remove the deposits, it seemed to me that this authority ought to be exerted at once to deprive that great corporation of the support and continuance of the government in such a

use of its funds and such an exertion of its power. In this point of the case the question is distinctly presented, whether the people of the United States are to govern through representatives chosen by their unbiased suffrages, or whether the money and power of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of the political questions shall be brought forward as heretofore, and supported by the usual means."

During the whole of the session of the Twenty-third Congress the chief topic of debate was the removal of the deposits. The President and the supporters of the bank—"those bank-bought knaves" Jackson called them—had a constant warfare. Blow for blow was given, and many hostile and mortifying acts were done on both sides. Secretary Taney made an elaborate report to Congress concerning the removal of the deposits, but the reasons he gave for his action—mainly the mismanagement of the bank and the insecurity of the government money—were laughed at by the opponents of the administration.

Henry Clay, who led the anti-Jackson men, introduced in the Senate on the 5th of December, 1833, a resolution requesting the President to inform the Senate whether the paper relating to the deposits of the public money which he had read to his Cabinet in September, and which was "alleged to have been published by his authority, be genuine or not; and if it be genuine, that he be also requested to cause a copy of the said paper to be laid before the Senate." This singular resolution was passed by a vote of 23 to 18, and the next day the President sent a message to the Senate declining to comply with the requests. He thus rebuked the Senate for its presumption: "The Executive is a co-ordinate and independent branch of the government equally with the Senate; and I have yet to learn under what constituted authority that branch of the legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of departments acting as a Cabinet-council. As well might I be required to

detail to the Senate the free and private conversation I held with those officers on any subjects relating to their duties and my own."

On the 26th of December Mr. Clay introduced in the Senate the following resolutions:

"*Resolved*, That by dismissing the late Secretary of the Treasury because he would not, contrary to his sense of his own duty, remove the money of the United States in deposit with the Bank of the United States and its branches, in conformity with the President's opinion, and by appointing his successor to effect such removal, which has been done, the President has assumed the exercise of a power over the Treasury of the United States not granted to him by the Constitution and laws, and dangerous to the liberties of the people.

"*Resolved*, That the reasons assigned by the Secretary of the Treasury for the removal of the money of the United States, deposited in the Bank of the United States and its branches, communicated to Congress on the third day of December, 1833, are unsatisfactory and insufficient."

Mr. Clay supported his condemnation of the President in a speech of marked ability. In beginning it he said: "We are in the midst of a revolution hitherto bloodless, but rapidly tending towards a total change of the pure republican character of the government, and to the concentration of all power in the hands of one man. The powers of Congress are paralyzed, except when exerted in conformity with his will, by frequent and an extraordinary exercise of the executive veto, not anticipated by the founders of the Constitution, and not practised by any of the predecessors of the present chief magistrate. . . . By the 3d of March, 1837, if the progress of innovation continue, there will be scarcely a vestige remaining of the government and its policy as they existed prior to the 3d of March, 1829. In a term of years a little more than equal to that which was required to establish our liberties, the government will have been transformed into an elective monarchy—the worst of all forms of government."

Referring to the removal of the deposits, Mr. Clay said:

“If the President may, in a case in which the law has assigned a specific duty exclusively to a designated officer, command it to be executed contrary to his own judgment, under the penalty of an expulsion from office, and, upon his refusal, may appoint some obsequious tool to perform the required act, where is the limit of his authority? Has he not the same right to interfere in every other case, and remove from office all that he can remove, who hesitate or refuse to do his bidding contrary to their own solemn conviction of their duty? There is no resisting the inevitable conclusion.”

Mr. Clay declared that the President, after assuming the executive, legislative, and judicial powers of the government, had now seized the public purse very much as Julius Cæsar had seized the public treasury at Rome; and he denominated this act “an open, palpable, and daring usurpation.” He said, in conclusion, “The premonitory symptoms of despotism are upon us; and if Congress do not apply an instantaneous and effective remedy, the fatal collapse will soon come on, and we shall die—ignobly die—base, mean, and abject slaves, the scorn and contempt of mankind—unpitted, unwept, unmourned!”

This speech was listened to by an audience which filled the Senate Chamber to overflowing, and it attracted much attention everywhere. It greatly exasperated President Jackson, and he is said to have exclaimed after reading it, “Oh, if I live to get these robes of office off me, I will bring this rascal Harry Clay to a dear account.”

The Clay resolutions were discussed for the greater part of three months in a very excited manner. It is difficult now to understand how the honorable Senators could have kept their blood at fever heat so long. The speeches on both sides were very emphatic and full of personalities. The supporters of the President denied with strong arguments that he had gone beyond the constitutional limits of his office. Finally, the resolution referring to Secretary Taney was agreed to; and, on the 28th of March, the other resolution was put in a modified form and passed by a vote of 26 to 20, as follows:

“*Resolved*, That the President, in the late executive proceedings in relation to the public revenue, has assumed upon

himself authority and power not conferred by the Constitution and laws, but in derogation of both."

President Jackson, very naturally, was indignant at this resolution, and on the 15th of April he sent a special message to the Senate protesting against it. He said, "Without notice, unheard and untried, I thus find myself charged on the records of the Senate, and in a form hitherto unknown in our history, with the high crime of violating the laws and Constitution of my country." He declared the resolution was, in substance, an impeachment of the President contrary to the constitutional form. It was a condemnation against which he had no opportunity to defend himself, and he said that if this act of the Senate should "be approved and sustained by an intelligent people, then will that great contest with arbitrary power—which had established in statutes, in bills of rights, in sacred charters, and in constitutions of government, the right of every citizen to a notice before trial, to a hearing before conviction, and an impartial tribunal for deciding on the charge—have been waged in vain."

Immediately after the reading of the President's message the Senate entered upon a long debate about it, and at last decided, by a vote of 27 to 16, "that the President of the United States has no right to send a protest to the Senate against any of its proceedings." It refused to receive the message or enter it on its journal, as the President had requested. Thereupon Senator Benton gave formal notice that he should move at every session, until the object should be effected or his political life come to an end, the passage of a resolution to expunge from the Senate journal Clay's resolution censuring President Jackson. And for three successive years the Missouri Senator made the motion, and also a good long speech each time. Late in the evening of the 16th of January, 1837, the friends of Jackson prevailed in the Senate, and Benton's expunging resolution, which had been discussed all that day amidst great excitement, was passed.

The Secretary of the Senate then brought forward the manuscript journal of the Senate of March 28, 1834, and turning to the page which contained the Clay resolution condemna-

tory of President Jackson, drew a square of broad black lines around it. He then wrote across the page the words, "Expunged by order of the Senate this 16th day of January, 1837."

During this extraordinary performance there arose "a storm of hisses, groans, and vociferations" from a group of spectators in the Senate gallery—"the bank ruffians" Benton calls them—and it was found necessary to arrest the ringleader. Some of the anti-Jackson Senators took this occasion to confess themselves vanquished by the President and to pay a tribute to his invincibility. The President, of course, was greatly pleased with the expunging, and gave a grand dinner at the White House to those who had aided in its accomplishment.

The public stock in the Bank of the United States was sold, and the institution, ceasing to have the government as a depositor and partner, sank rapidly in the estimation of the business world. When its chartered life of twenty years had expired in 1836 the State of Pennsylvania gave it a new charter, and it continued under the management of Nicholas Biddle and some of its former directors. It was known as the "Pennsylvania Bank of the United States." In 1840 it became bankrupt through reckless cotton speculations and ceased to exist, its stockholders losing all their investments.

It is easy now to understand that President Jackson rendered the country inestimable service by warring on this dangerous institution and giving it a death-blow. At the time, however, the bank war caused wide-spread distress in business circles, as the bank, in order to force a renewal of its charter, suddenly curtailed its discounts and called in its loans, much to the embarrassment of the merchants and manufacturers who were dependent on it. Moreover, the placing of the government money in the State banks was the cause of an era of reckless speculation and over-trading, which eventuated in the terrible panic of 1837.

No other bank with the federal government as a partner was ever established. In 1840 the "Sub-Treasury or Independent Treasury" plan, now used, was adopted by Congress. But the Whigs always wanted another national bank, and during President Tyler's administration, having a majority in

Congress, they passed two separate bills to establish a successor to the Bank of the United States; but Tyler vetoed both bills, and they could not be passed over his veto. By this action he incurred the displeasure of the Whigs, and they ceased to support his administration.

## CHAPTER XXII

The Distinguished Statesmen of the Second Quarter of the Century.—  
Members of Congress who became Presidents of the United States.—  
Abraham Lincoln's Noted Humorous Speech on Military Coat-tails.  
—"To the Victor Belong the Spoils."—What a Witty Representative  
Said about a Congressman's Life at this Period.—The Great  
Political Revolution of 1840.—The Tariff Act of 1842.—The  
Walker Low Tariff Act of 1846.—Other Tariffs.—Annexation of  
Texas and the Mexican War.

THERE was a brilliant company of statesmen in Congress during the second quarter of the century. Every important measure was supported or opposed by a host of accomplished men, some of whom succeeded in impressing their names indelibly on the pages of our political history. The roll of prominent Democrats included Silas Wright, Levi Woodbury, Robert J. Walker, William L. Marcy, Lewis Cass, Isaac Hill, James Buchanan, James K. Polk, Andrew Johnson, Stephen A. Douglas, Franklin Pierce, Daniel S. Dickinson, Robert Barnwell Rhett, William Allen, and John P. Hale, afterwards celebrated as an abolitionist. In the ranks of the Whigs (or National Republicans, as they were called until 1834) were William C. Rives, Tristram Burges, Sergeant S. Prentiss, John Tyler, Henry A. Wise, Millard Fillmore, John M. Clayton, Thomas Ewing, George Evans, Thomas Corwin, Willie P. Mangum, Abraham Lincoln, John J. Crittenden, Caleb Cushing, Robert C. Winthrop, Edward Everett, John McPherson Berrien, Reverdy Johnson, and John Bell. During most of the time the great triumvirate, Clay, Webster, and Calhoun, shone as the bright particular stars of this extraordinary constellation; and the egotistical but exceedingly sagacious Benton—the Father of the Senate—stood with them almost as a peer, and championed the administrations of Jackson, Van Buren, and Polk with un-



tiring energy. Ex-President John Quincy Adams, who had been elected in 1830 to the House of Representatives as a National Republican to represent the Plymouth District in Massachusetts, and who remained in Congress for seventeen years, also took a conspicuous part in the legislation of the period, and, as many think, won greater honor as a congressman than as President. He was called "the venerable sage of Quincy" and "the old man eloquent," and some of his strong, fiery speeches had remarkable effect. He often cast off the bonds of party and acted in an independent manner.

In this list of distinguished statesmen are the names of seven Presidents of the United States—Polk, Buchanan, Johnson, Pierce, Tyler, Fillmore, Lincoln. James K. Polk was Jackson's right-hand man in the House of Representatives during the war on the Bank of the United States, and was nicknamed "Young Hickory." Born in North Carolina in 1795, he early in life settled in Tennessee, acquired a collegiate education, and became a lawyer. In 1825 he entered Congress as a Representative, and served for fourteen years in that capacity. He was Speaker of the Twenty-fourth and Twenty-fifth Congresses. In 1839 he was elected Governor of Tennessee, and in 1845 was inaugurated President of the United States. Mr. Polk displayed considerable ability as a legislator. He was earnest, vigilant, genial, sometimes witty, and as Speaker was very popular with his party; but, as he was a very strict partisan, he greatly exasperated the Whigs by what they called his "most partial and unjust rulings," and they prevented his receiving the customary vote of thanks at the close of the Twenty-fifth Congress by voting to a man against the resolution.

It is related of Mr. Polk while Speaker that one morning there was some important news in the papers, and all the members were eagerly reading when he called the House to order. After the journal had been read, Mr. Polk announced that the House was ready for business. No one paid the slightest attention to the announcement, and thereupon Mr. Polk took a newspaper, turned his back to the House, and began reading himself. Ten, fifteen, twenty minutes passed away; the mem-

bers had finished their papers and wondered what the matter was. The Speaker sat absorbed in reading. "Mr. Speaker!" "Mr. Speaker!" shouted one member after another. The Speaker did not respond. Finally a member rose and thus addressed the Clerk of the House: "There does not seem to be any Speaker present, and I move, Mr. Clerk, that we proceed to a choice of a Speaker *pro tem.*" Instantly Mr. Polk turned in his chair, and said: "The Speaker is present, and begs to say to the honorable House that, in accordance with established custom, he notified the House that it was ready for business, but found it was not ready, and trusts it is now ready to proceed." The House burst into laughter, and it was agreed by all that the Speaker had given a good lesson in politeness.

James Buchanan was born in Pennsylvania in 1791. He received a classical education, practised law at Lancaster in his native State, served in the legislature, and entered Congress in 1821. For ten years he was an able Representative, taking a leading part in all the important discussions. In 1832 President Jackson appointed him Minister to Russia, and in 1834 he was elected to the United States Senate by the Pennsylvania Legislature. He continued in the Senate until 1845, when he became Secretary of State in the Polk administration. In 1853 he became Minister to England, and in 1856 he was elected President of the United States. In his annual message to Congress, in 1857, Mr. Buchanan referred to himself as an "old public functionary," and thereafter he was familiarly known by that name.

Andrew Johnson came into Congress in 1843 as a Representative from Tennessee, and served for five consecutive terms. He was born in North Carolina in 1808, had no education in his youth save what he gave himself, learned the trade of a tailor, and, removing to Tennessee, established himself in business and entered political life. After his service in the House of Representatives he became Governor of Tennessee, and in 1857 was chosen United States Senator. He was the only Southern man in the Senate who stood firmly by the Union. Elected Vice-President on the ticket with Abraham Lincoln, he became President after the death of the latter.

Franklin Pierce was a New Hampshire man. He began his congressional career as a Representative in 1834, when thirty years old. He was a talented lawyer, a good debater, and soon won eminence. In 1837 he entered the Senate and remained there for five years. He served in the Mexican War and obtained the rank of brigadier-general, and in 1852 he was elected President of the United States.

John Tyler was born in Virginia in 1790. He was a graduate of the College of William and Mary, and a lawyer by profession. After five years' service in the Virginia Assembly, he entered Congress in 1816 as a Representative, and served until 1821. He was Governor of Virginia in 1825, and from 1827 to 1836 he was a United States Senator. Originally a Democrat, he was elected to the Senate as a National Republican. He was placed on the Whig presidential ticket with William Henry Harrison in 1840, was elected Vice-President, and when Harrison died became President.

Millard Fillmore began his congressional career in 1833. He was born in the State of New York in 1800, and at an early age had to earn his living by working at wool carding. He studied while at work, acquired a good education, and entered the legal profession. He was a Representative in Congress for seven years, was Comptroller of New York in 1848, and was elected Vice-President of the United States in the same year. Upon the death of President Taylor, Mr. Fillmore succeeded to the presidency.

Abraham Lincoln, the Great Emancipator, was born in Kentucky of humble parentage, in 1809, and all through his early life trod the pathway of poverty. His parents moved to southern Indiana when he was a child. Here his mother died, and here he passed the days of youth until he was about nineteen, when his father, becoming dissatisfied with the locality, loaded all his earthly goods upon an ox-wagon and emigrated with his family to Illinois, young Lincoln driving the team on the long journey. During his residence in Indiana Lincoln went to school for six weeks in a log school-house, and this was all the schooling that he ever received, his education being secured entirely by his own efforts in his leisure hours. After trying

various occupations with indifferent success—rail-splitting, boating on the Sangamon and Mississippi, keeping a country store, etc.—Mr. Lincoln studied law and was admitted to the bar. He was elected to the Illinois Legislature, in which and in the exciting political campaigns of 1840 and 1844 he acquired considerable fame as an orator and statesman. He was called “Honest Abe Lincoln,” and in 1846 he was chosen to the national House of Representatives as a Whig, and took part in the deliberations of the Thirtieth Congress. After two years in Congress he declined a renomination and resumed his law practice, which had grown to large proportions.

In 1858 Mr. Lincoln attracted the attention of the whole country by participating in a series of debates upon the slavery question with Stephen A. Douglas during a canvass in Illinois for the United States Senate. Mr. Lincoln was the Republican candidate for Senator, and Mr. Douglas was seeking re-election as the Democratic candidate. There were seven joint debates in leading cities of Illinois, beginning in August and ending in October, which were attended by enormous crowds. Great parades, military salutes, bonfires, and other campaign demonstrations made the cities where the debates were held scenes of intense jubilation. The enthusiasm displayed is said to have exceeded anything before known in the State. All the phases of the slavery question, then the most exciting topic in the American political world, came into the debates, and were argued pro and con with remarkable ability, force, and eloquence on both sides. The debates were fully reported in the principal newspapers of the country, and doubtless were read by millions. Mr. Lincoln, by his intelligent, clear, irresistible addresses, completely won the favor of the new Republican party throughout the land, and although he lost the senatorship (on account, it is believed, of a gerrymander in the legislative districts of the State in favor of Mr. Douglas), he eventually obtained the greatest office in the gift of the nation.

Mr. Lincoln was a tall, slim, awkward Westerner, with a homely, melancholy face. One of his speeches, delivered while in Congress, on July 27, 1848, in which he made reference to Gen. Zachary Taylor as a presidential candidate for the Whigs,

was full of raillery of the Democrats. It gained considerable reputation. In this speech, which is known as "Lincoln's coat-tail speech," he said :

"The other day, one of the gentlemen from Georgia [Mr. Iverson], an eloquent man and a man of learning, so far as I can judge, not being learned myself, came down upon us astonishingly. He spoke in what the *Baltimore American* calls the 'scathing and withering style.' At the end of his second severe flash I was struck blind, and found myself feeling with my fingers for an assurance of my continued physical existence. A little of the bone was left, and I gradually revived. He eulogized Mr. Clay in high and beautiful terms, and then declared that we had deserted all our principles, and had turned Henry Clay out, like an old horse, to root. This is terribly severe. It cannot be answered by argument ; at least, I cannot so answer it. I merely wish to ask the gentleman if the Whigs are the only party he can think of who sometimes turn old horses out to root ? Is not a certain Martin Van Buren an old horse which your own party have turned out to root ? and is he not rooting a little to your discomfort about now ? But in not nominating Mr. Clay, we deserted our principles, you say. Ah ! in what ? Tell us, ye men of principles, what principle we violated ? . . .

"But the gentleman from Georgia further says we have deserted all our principles, and taken shelter under General Taylor's military coat-tail ; and he seems to think this is exceedingly degrading. Well, as his faith is, so be it unto him. But can he remember no other military coat-tail under which a certain other party have been sheltering for near a quarter of a century ? Has he no acquaintance with the ample military coat-tail of General Jackson ? Does he not know that his own party have run the last five presidential races under that coat-tail, and that they are now running the sixth under that same cover ? Yes, sir, that coat-tail was used, not only for General Jackson himself, but has been clung to with the grip of death by every Democratic candidate since. You have never ventured, and dare not now venture, from under it. Your campaign papers have constantly been 'Old Hickories,'

with rude likenesses of the old general upon them; hickory poles and hickory brooms your never-ending emblems; Mr. Polk himself was 'Young Hickory,' 'Little Hickory,' or something so; and even now your campaign paper here is proclaiming that Cass and Butler are of the true 'Hickory stripe.' No, sir; you dare not give it up. Like a horde of hungry ticks, you have stuck to the tail of the Hermitage lion to the end of his life, and you are still sticking to it, and drawing a loathsome sustenance from it after he is dead. A fellow once advertised that he had made a discovery, by which he could make a new man out of an old one, and have enough of the stuff left to make a little yellow dog. Just such a discovery has General Jackson's popularity been to you. You not only twice made President of him out of it, but you have had enough of the stuff left to make Presidents of several comparatively small men since; and it is your chief reliance now to make still another.

"Mr. Speaker, old horses and military coat-tails, or tails of any sort, are not figures of speech such as I would be the first to introduce into discussions here; but as the gentleman from Georgia has thought fit to introduce them, he and you are welcome to all you have made, or can make, by them. If you have any more old horses, trot them out; any more tails, just cock them and come at us."

From 1833 to 1844 Silas Wright very ably represented the State of New York in the Senate, and made a national reputation as a statesman of rare honesty of purpose. He fought against the recharter of the Bank of the United States, and introduced the bill to establish the Independent Treasury System. He was born at Amherst, Mass., in 1795, and was a farmer's son. Working his way through college, he studied law and then went to Canton, N. Y., to practise. Here he lived all his life. He first entered Congress in 1827 as a Representative. In 1844 he resigned his seat in the Senate to become Governor of New York.

A man of great ability and of commanding influence in the Democratic party was Robert J. Walker, who served as Senator from Mississippi from 1837 to 1845, when he entered Presi-

dent Polk's Cabinet, and for four years very skilfully performed the duties of Secretary of the Treasury. He was the author of the celebrated low-tariff bill which Congress passed in 1846. Mr. Walker was born at Northumberland, Pa., in 1801. After a studious youth he became a lawyer and settled in Pittsburg. When twenty-six years old he removed to Mississippi, and soon became one of the leaders of the bar of that State. His senatorial career was marked by distinguished service.

Thomas Corwin, of Ohio, a gifted orator and a statesman of pre-eminent intellectual endowments, was born in Kentucky in 1794. Beginning life poor and obscure, by unceasing industry he rose to a high position at the Ohio bar, and in 1831 he entered the national House of Representatives and served with constantly increasing fame in four Congresses. He was Governor of Ohio for two years, and in 1845 was elected to the United States Senate. He was a leading advocate of Whig measures in the Senate until 1850, when he was appointed Secretary of the Treasury by President Fillmore. In 1858 he returned to Congress as a Representative, and in 1861 he became Minister to Mexico.

Mr. Corwin was opposed to the Mexican War, and often spoke against it while in the Senate. On February 11, 1847, in a lengthy speech, he uttered a sentence which is now among the world's famous sayings. He was censuring those who had claimed that the United States needed the disputed Mexican territory for greater expansion—for "room to bury our dead," as one had jocosely said. With ringing voice Mr. Corwin declaimed: "If I were a Mexican I should tell you, 'Have you not room in your own country to bury your dead men? If you come into mine we will greet you with bloody hands and welcome you to hospitable graves.'"

One of the ablest and purest of the men who adorned the Senate of the United States at this period was William L. Marcy, of New York, who served from 1831 to 1833, and then resigned to become governor of his State. Afterwards he was Secretary of War under President Polk, and Secretary of State under President Pierce. Mr. Marcy was born at Stur-

bridge, Mass., in 1786. After graduating from Brown University he studied law, and began its practice at Troy, N. Y. In 1823 he removed to Albany. He was appointed a judge of the Supreme Court of New York in 1829. Mr. Marcy originated the famous expression "To the victor belong the spoils." During a speech which he made in the Senate in 1831, in the debate about confirming the nomination of Van Buren as Minister to England, he said:

"I know, sir, that it is the habit of some gentlemen to speak with censure or reproach of the politics of New York. Like other states, we have contests, and, as a necessary consequence, triumphs and defeats. . . . It may be, sir, that the politicians of New York are not so fastidious as some gentlemen are as to disclosing the principles on which they act. They boldly preach what they practise. When they are contending for victory, they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office; if they are successful, they claim, as a matter of right, the advantage of success. They see nothing wrong in the rule that to the victor belong the spoils of the enemy."

Lewis Cass, of Michigan, was Secretary of State under President Jackson and Minister to France before entering the United States Senate in 1845. He was born in New Hampshire in 1782, went West when a young man, became a lawyer, served in the War of 1812, and was appointed a brigadier-general in the regular army, and was Governor of Michigan when it was a Territory. After his senatorial term he was Secretary of State in President Buchanan's Cabinet.

Stephen A. Douglas was born in Vermont, and spent his boyhood there in poverty. He worked at cabinet-making for a while, and in 1831, when he was eighteen years old, he went to Illinois. He tried school-teaching, auctioneering, and various other employments, and at last, having read law diligently in his leisure time, he was admitted to the bar, and rapidly obtained a lucrative practice. He became attorney-general, and subsequently a judge of the Supreme Court of Illinois. In 1843 he was elected to the Twenty-eighth Congress as a Representative, and re-elected to the Twenty-ninth Congress. He



was so skilful in debate and evinced so much political sagacity that he speedily became famous. In 1847 the Illinois Legislature elected him to the United States Senate, and he remained a Senator until 1861. He had a short, compact figure and a massive head, and was familiarly called "the Little Giant." He was a statesman of remarkable acuteness in public affairs and a great parliamentary leader.

John P. Hale was born at Rochester, N. H., on March 31, 1806. After a collegiate education he was admitted to the bar of his native State, and at an early age became one of its leading lawyers. In various ways he served the Democratic party, which sent him to Congress in 1843 as a Representative. In 1847 he was chosen Senator by antislavery Democrats and Whigs, and was the first abolitionist to sit in the United States Senate. After serving as Senator for six years he withdrew from national politics, but two years later he was chosen again to the Senate, and remained in it until 1865.

Mr. Hale was a pleasing orator and a debater of marked ability. He was a big, rotund, good-natured man, overflowing with wit and humor, and had few equals in the art of demolishing the long, labored arguments of an opponent with a timely jest or anecdote. He gave valuable service to the antislavery cause, of which he was a zealous advocate.

The Democratic party at this period insisted on a strict construction of the Constitution, which they believed to be the great safeguard of that instrument. They approved of and sustained the exercise of the veto power as an additional protection to the Constitution, securing it from infraction either as the result of hasty or mistaken legislation. They were opposed to a high protective tariff, to a national bank, to paper money. The Whigs, on the other hand, favored a liberal construction of the Constitution, and they did not approve of the presidential veto except where an act of Congress was clearly unconstitutional. They were for protection to American industry, and believed that a national bank, properly limited and restrained, was better than an independent treasury system.

In the Thirtieth Congress was a bright, witty Representative from Indiana, named William W. Wick. He made a

speech on August 7, 1848, which we will quote in part, as it gives a good idea of the methods of Congress at this time. Mr. Wick said :

“Sir, I wish to make an apology for Congress. It is said in the country that our sessions are too long. If it be so the evil ought to be remedied. Let us examine. Since the organization of our government, Congress has always adjourned every alternate year on the same day—the 3d of March. At the long sessions, every alternate year, the day of adjournment has varied much, and, upon the whole, the sessions have gradually become more and more extended. In 1810, the day of adjournment was May 1st; in 1818, it was April 20th; in 1828, it was May 26th; in 1830, it was May 31st; and in 1832, it was July 16th, and now it is August 14th. The gradual extension of the period of every alternate session is not without good cause. In the early days of our national history our states were less than half their present number, and our population about one-fourth what it now is. Our national interests were formerly few and simple. Now, they are diversified and complicated. Then, this House would order a public document to be printed for the use of the members, and two or three hundred extra copies for distribution, which each member would send to his favorite editors. Now, we order documents to be printed, and from thirty to four hundred extra copies to be furnished to each member. These he must frank and direct to his constituency—a work of much labor and time, occasioning much absence of members from the House, and consequent delay of business. Then, editors throughout the country published a few standard speeches for the information of constituencies, and then few members made speeches. Now, every member who does not desire to make his name oblivious *must* make one, two, or three speeches. The speeches are so numerous that the newspaper press cannot publish any considerable portion of them, and have abandoned the practice almost entirely.

“It has grown into an established usage for a member to publish his speeches in pamphlet form, and distribute the same among his constituents. To this end he must write out his speeches, superintend the printing (aye, and pay for it, too),

compare the proof-sheets, and when the little pamphlets have been enveloped he must go to work and frank and direct them by the thousand and ten thousand, and, after all, be faulted for not sending out more of them. The onerous labor incident to this operation often occupies the attention of members while the House is in session, and confusion and waste of time in calls of committees or of the House is the necessary result. And not only this, but he is expected to frank, direct, and send tens of thousands of speeches and documents besides his own speeches and the documents furnished at the cost of government. To accomplish this he will sit at his desk in the hall franking and directing while a motion is made and stated, a resolution offered and read, or a bill or amendment reported by the Clerk; and when he finds a vote about to be taken he throws down his pen, perfectly unconscious of the matter before the House, and, of course, calls for the reading of the proposition. Time is wasted in reading it. So we go.

"Sir, forty years ago our predecessors came to this hall every day in full dress at twelve o'clock, sat at their desks two or three hours without shaking the powder from their locks, rumpling the ruffles which garnished their bosoms, soiling their fingers with ink, or compromising their personal dignity. How different is it now! So soon as the committees act upon the propositions before them, and bring the same before the House, or soon thereafter, we change the hour of meeting to eleven o'clock, and afterwards to ten A.M.; and we adjourn at various hours—generally from four to ten o'clock, P.M. The mornings are occupied in writing letters, franking and directing documents, etc., or in attendance upon the committees to which we belong. When the hour of meeting arrives, it finds us in the midst of a letter or with a pile of documents before us. These we despatch, and away for the Capitol—at what, in Indiana, we call a long lope—not in full dress, by any means.

"Such is the life of an M. C. now, as compared with that of our predecessors of forty or fifty years ago. And the worst of it is, that though the bills to be footed have increased in a geometrical ratio, there has been no correspondent increase in the mileage and per diem."

We will now make brief mention of a few matters of interest before passing to the story of the annexation of Texas and of the beginning of the Mexican War.

In 1836, as the federal government was, for the first time in its history, virtually out of debt, Congress passed an act to distribute the surplus money in the Treasury among the states as a loan, "only to be recalled by direction of Congress." By this act \$28,000,000 was distributed and never recalled.

In 1837, when Martin Van Buren became President, the Senate had to decide a vice-presidential contest, the only one of the kind in American political history. When Congress, in February of that year, counted the electoral votes cast for Vice-President, it was found that 147 electors had voted for Richard M. Johnson, of Kentucky, who had been associated on the Democratic ticket with Van Buren, and that exactly the same number had voted for three other persons, as follows: 73 for Francis Granger, of New York, the Whig candidate; 47 for John Tyler, of Virginia, and 23 for William Smith, of South Carolina. As no one had received a majority of the electoral votes, the Senate was required by the Constitution to choose the Vice-President from "the two highest numbers on the list." It gave 33 votes for Johnson and 16 for Granger, and the former, therefore, was elected.

The Anti-Masonic party, which had had some prominence in State and national politics for a number of years, was by this time completely merged in the Whig party, of which it formed a strong faction. The Anti-Masons had originated in this way: William Morgan, a resident of Batavia, N. Y., had announced, in 1826, his intention to publish a book purporting to be an exposure of the secrets of Freemasonry. He was arrested for debt, and when released from jail late at night was forced into a closed carriage and taken to Niagara Falls. He was never seen or heard from again. A body was found floating in the Niagara River, and it was asserted to be that of the missing man, but it was never identified as Morgan's. A committee appointed by the Legislature of New York to investigate the matter reported that Morgan had been put to death, presumably by Freemasons. The country was much excited

about the abduction of Morgan, and the bitter feeling against the Masonic order caused the formation of a political party, the object of which was to oppose the election of Freemasons to office. The Anti-Masonic party showed a great deal of strength in several State elections, and in 1832 nominated a presidential ticket headed by William Wirt, of Maryland, and Amos Ellmaker, of Pennsylvania. The ticket obtained a popular vote of 33,108 and the seven electoral votes of Vermont.

As the State banks, many of which were rather weak, were issuing large quantities of paper money, which was used in the purchase of the public lands, President Jackson, shortly before the close of his term of office, directed the Secretary of the Treasury to receive only gold and silver in payment for the lands. This famous "Specie Circular" created much excitement and had a great deal to do with the panic of 1837, which occurred in the first year of President Van Buren's administration.

Arkansas was admitted to the Union on June 15, 1836; Michigan on January 26, 1837; Florida and Iowa on March 3, 1845.

The presidential campaign of 1840 caused an unprecedented political excitement. President Van Buren was the candidate of the Democrats, in opposition to General William Henry Harrison, the candidate of the Whigs; and, after a severe struggle, the latter won. This Whig triumph, which it is believed was largely due to the financial depression then existing, is called "the great political revolution of 1840." On the 4th of March, 1841, General Harrison was inaugurated President. He was in office just a month when he died suddenly, and Vice-President Tyler assumed the presidency.

The Ashburton Treaty, which was drawn up at Washington by Lord Ashburton in behalf of Great Britain, and Secretary of State Daniel Webster in behalf of the United States, and which settled the differences about the boundary-line between Maine and Canada, long a matter of dispute, was ratified and proclaimed in 1842.

The Compromise Tariff Act of 1833, which was intended to meet an immediate and pressing emergency, was succeeded in 1842 by a tariff act distinctly protective. The reductions of duty under the Compromise Act—coming at a time when the

country was depressed by the financial troubles of 1837 and of 1839, and when, in consequence, importations were light and the revenue from customs was small—brought about the passage of the new Tariff Act. It was well understood that the revenue, under the full operation of the Compromise Act, after July 1, 1842, would not be sufficient to pay the expenses of the government; and, therefore, an increase of duties was absolutely necessary. There was no strong demand for protection except from the iron producers of Pennsylvania; but the Whigs, then in a majority in Congress, saw a good opportunity to advance the protective policy in making the increase of duties, and did so. Some Northern Democrats voted for the act, and some Southern Whigs voted against it. Specific duties were substituted in all possible cases for *ad valorem* duties, the latter averaging under the act about thirty-five per cent.

This tariff was in operation for four years, during which the country was generally prosperous. In 1846 the Democrats were in power, and passed what is known as the Walker Low Tariff Act, which was inspired and mainly drawn by Robert J. Walker, then Secretary of the Treasury under President Polk. Secretary Walker was opposed to the protective policy, and as Senator from Mississippi had worked and voted against the Tariff Act of 1842. When he entered Polk's Cabinet he prepared a report upon the system of revenue then in use, in which he took the ground that the high tariff gave the manufacturing interests advantages which were detrimental to the agricultural and commercial classes. He drew up a tariff bill on the lines of free-trade, and the Democrats in Congress accepted it as a party measure and passed it with very little change. The Walker Low Tariff was intended to be for revenue only, but it had some slight protective features. By it the duties, for the first time, were exclusively *ad valorem*, ranging from five to one hundred per cent. The greater number of manufactured articles, and the articles to which the protective controversy applied, paid duties on the average of about twenty-four per cent.

For eleven years this Democratic revenue tariff was continued without change. The tariff ceased to be a political issue. There was unexampled prosperity, caused, doubtless, in

a large measure, by the Mexican War, which necessitated the expenditure by the government of many millions of dollars; by short crops and extensive wars in Europe, which created an enormous demand for American breadstuffs and manufactures; and by the discovery of gold in California, which added largely to the national wealth. Finally, the Democrats determined to make further reductions in the tariff, as the importations were large and the revenues more than the government required; and in 1857 they passed an act which fixed the duties at an average of nineteen per cent., which was lower than had been known since 1816. This act remained in force until 1861.

The annexation of Texas, and the Mexican War which resulted therefrom, engaged the attention of Congress and the country for several years. Concisely told, the story is as follows:

The immense region of more than 200,000 square miles, lying between the Sabine River and the Rio Grande, which the United States had claimed as a part of the Louisiana Purchase, but which had been relinquished to Spain in return for the cession of Florida, became a province or department of Mexico, and was known as Texas. In 1820 a Missourian named Moses Austin, who had become acquainted with the extraordinary fertility of the region, obtained a grant from the Spanish authorities to locate in Texas a colony from the United States. He died before he could begin his colonizing enterprise, but his son carried out his purpose. The Austin colony was quickly followed by other colonies, and in a few years there were several thousand American settlers in Texas, mostly from the far Southern states. The people of Mexico revolted from Spain and set up an independent republic; but in 1834 General Santa Anna, at the head of an army of mercenaries, subverted the Mexican Constitution, abolished the sovereignty of the states, and erected a central military despotism, with himself as President. The Mexican Congress, at the dictation of Santa Anna, passed a decree requiring the states and the people of Mexico to surrender their arms to the government. All the states ex-

cept Texas made the surrender; and in October, 1835, General Cos was sent to Texas to enforce obedience to the decree. At this time the Indians, who had settled in the midst of the Texans, were more numerous than the whites. The Texans knew that to give up their arms would be to invite Indian depredations, and, therefore, they determined to resist the decree at any cost. General Cos marched his main force to San Antonio, after leaving garrisons at Goliad and other places. He dispersed the State legislature and took some of its members prisoners. He sent a troop of cavalry to Gonzales to demand the surrender of a cannon owned by the town. The citizens refused to give up the cannon, and a fight ensued. As soon as possible the Texans organized themselves into companies, captured the garrison at Goliad, and drove General Cos from his fortifications at San Antonio and out of the State.

Thus was begun the revolution in Texas. At a convention of the people the independence of Texas was declared, and the name of Republic of Texas was adopted. Preparation was made for war. Many fighting men from the United States joined the revolutionists. Six months after the defeat of General Cos the Texan republic was invaded by General Santa Anna with an army of five thousand men. He captured the fort called the Alamo and murdered its brave defenders in cold blood; and, marching on, gave battle at San Jacinto to a force of Texans numbering eight hundred men, under the command of General Sam Houston. There was what was termed "a lively fight," which resulted in the defeat of the Mexicans. The day after the battle General Santa Anna surrendered himself. There was no more fighting. Santa Anna, then President of Mexico, and uniting in his person all the powers of the Mexican government, made a treaty with the Texans, in which he acknowledged the independence of the republic, and agreed that the Rio Grande, from its mouth to its source, should be the southwestern boundary between the two countries. The Mexican Congress, however, repudiated Santa Anna's treaty or agreement, and refused to make any terms whatever with Texas, claiming that she was nothing more than a revolted Mexican State which would eventually be subdued and brought



back to her allegiance. But as no efforts were made by Mexico to re-establish her power and sovereignty over Texas, the United States, as well as England, France, and Belgium, after waiting a proper time, recognized the independence of the "Single-starred Republic."

In this state of suspended hostilities Mexico and Texas remained for about eight years. During this time Texas maintained a government of her own and made remarkable progress. Occasionally Mexico would threaten to renew the war, but she never renewed it. Twice Texas applied for admission to the American Union—first during the administration of President Jackson, and afterwards during the administration of President Van Buren; but each of these applications, out of deference to Mexico, and perhaps for certain political reasons, was refused. At last the annexation of Texas became a leading question. The South, seeking to enlarge the slave territory and to sustain and perpetuate slavery, was earnestly in favor of annexation; but what was called the Free-soil party of the North, largely composed of Whigs, was strongly opposed to it because it would give slavery an enormous extension. Texas had about one hundred thousand inhabitants, including many negro slaves. It had been a slave-holding country while a part of Mexico, although slavery was nominally prohibited by the Mexican government. When Texas became a republic slavery was established by law throughout her territory.

In March, 1844, John C. Calhoun, who had been living in retirement at his home in South Carolina since the expiration of his senatorial term, became Secretary of State under President Tyler. He was an earnest advocate of annexation, because he believed that it would add greatly to the strength and power of the Southern States, by furnishing ample territory in which could be established in time three or four large slave states. He also believed that if Texas were not acquired by the United States it would speedily come under the dominion of England, and that steps would be taken to emancipate the slaves. Texas as free soil would be a continual source of loss and danger to the South. In accordance with President Tyler's wishes, Secretary Calhoun negotiated a treaty with the

Texan government, by which the Republic of Texas was to be annexed to the United States as a Territory. This treaty was laid before the Senate in April, 1844, was discussed for three weeks, and then rejected by a vote of 35 to 16, mainly because the Whig Senators set up a determined opposition to it.

The rejection of the treaty caused an outburst of indignation in the South, and it was proposed in some parts of that region that the Southern States should secede from the Union, either peacefully or forcibly as might be, unite with Texas, and form a great Southern Confederacy, with slavery for the foundation-stone. The incipient secession movement was, however, promptly suppressed by the Southern leaders, and it was determined by Calhoun and other eminent Democrats to make annexation a prominent issue in the presidential campaign of 1844. The Democratic party were quick to rally to this cry, boldly emblazoned "Annexation" on their banners, and went to victory with James K. Polk as their nominee for President. Henry Clay, the candidate of the Whigs, who was opposed to annexation, again failed to reach the White House. It was considered that the presidential election had settled the question of annexation, and, therefore, after a spirited discussion, Congress, on the 28th of February, 1845, passed joint resolutions for the admission of Texas to the Union as a State. President Tyler approved the resolutions on the 1st of March, three days before his term of office expired. Texas accepted the conditions of the resolutions on the 4th of July, and in the following December she took her place as one of the United States.

The resolutions admitting Texas provided that the State was to be formed "subject to the adjustment by this government of all questions of boundary that may arise with other governments," and that "new states, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such states as may be formed out of that portion of said territory lying south of thirty-six de-

grees thirty minutes north latitude, commonly known as the Missouri Compromise Line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or states as shall be formed out of said territory north of said Missouri Compromise Line, slavery or involuntary servitude (except for crime) shall be prohibited."

General Sam Houston came into the United States Senate in March, 1846, to represent the new State of Texas. He had taken a prominent part in the Texan struggle for independence, and had been the first President of the republic. He was a large, fine-looking, rather eccentric man, and usually wore a very conspicuous costume, made up of a big Mexican sombrero, a blue coat with brass buttons, a flaming red vest, and buff pantaloons. He used quaint phrases in his talk and had amusing mannerisms. Born in Virginia in 1793, he early removed to the Western country bordering on the Tennessee River, lived for three years with the Cherokee Indians, was a school-master and a country trader until, at the beginning of the War of 1812, he enlisted in General Jackson's army and rose to be a lieutenant. After the war he studied law and settled at Nashville, Tenn. In 1823 he was elected a Representative to Congress, and served until 1827, when he was chosen Governor of Tennessee. While governor he was married to a beautiful young woman, who, shortly after the marriage, confessed to him that she had been forced to marry him by her parents although she loved another man. This shocking disclosure caused Houston such poignant grief that his mind lost its balance. Without a word of explanation to anybody he suddenly resigned the office of governor, went to Arkansas, and joined the Cherokee Indians, with whom he lived for several years as a chief. Never again did he look on the face of his wife after the night she made her cruel confession to him. When the revolution in Texas began he left the Cherokees and connected himself with the Texan force, soon rising to the leadership. His career as United States Senator lasted for twelve years. He made numerous speeches, which were always interesting and sometimes forcible, and constantly displayed ability as a statesman.

From 1857 to 1861 he was Governor of Texas, and in 1863 he died in that State.

Within a few days after Congress had passed the resolutions for the admission of Texas, General Almonte, the Mexican Minister at Washington, entered his protest against the act, declaring it to be an infringement of the rights of his government, and at the same time demanded his passports and departed from the United States. It was definitely known, from official and unofficial sources, that Mexico regarded the annexation of Texas as cause of war. She had never ceased to claim Texas, and now not only threatened an invasion of the State, but collected and marshalled her troops on the western bank of the Rio Grande for this purpose. Her claim was to the whole of Texas, and her threat was that she should plant her conquering standard on the banks of the Sabine, the eastern boundary of the State.

To protect Texas from the apprehended Mexican invasion, United States war-ships were sent to the Gulf of Mexico, and a military force of about 4000 men, under the command of General Zachary Taylor, was stationed at Corpus Christi. At the earnest solicitation of President Polk, with a view to the amicable settlement of the Texas question, the Mexican government at last agreed to receive a minister from the United States. Accordingly, John Slidell, then a Representative in Congress from Louisiana, was appointed to conduct the negotiations, and he arrived in the city of Mexico on the 6th of December, 1845. After considerable delay the Mexican government flatly refused to receive the American Minister; and on the 29th of December, Paredes was chosen President of Mexico and pledged to the prosecution of war against the United States for the recovery of Texas, thus ending all hope of a friendly adjustment of the imbroglio.

President Polk now ordered General Taylor, who was stationed with his troops on the eastern bank of the Rio Nueces (Walnut River), at Corpus Christi, to proceed to the Rio Grande (Great River), one hundred and fifty miles distant. In the instructions to General Taylor was this sentence: "It is not designed, in our present relations with Mexico, that you should

treat her as an enemy; but should she assume that character, by a declaration of war or any open act of hostility towards us, you will not act merely on the defensive."

General Taylor began his march from Corpus Christi on the 11th of March, 1846. As he drew near to the Rio Grande he was met by Mexicans, who protested against his occupation of the country. They declared that he was an invader of the soil of Mexico. It was held by the Mexican government that Texas extended only as far as the Rio Nueces, and that the country lying between that river and the Rio Grande—mostly a desert—was Mexican territory. The Texans, however, had always claimed the disputed region, and the United States, after the annexation of Texas, had really conceded the claim by appointing revenue-officers for a part of the Rio Grande district. General Taylor took a position on the eastern bank of the Rio Grande, nearly opposite the city of Matamoras, where had assembled about 8000 Mexican soldiers under the command of Generals Ampudia and Arista. The arrival of the Americans caused much excitement among the Mexicans, and on the 12th of April General Ampudia peremptorily announced to General Taylor that he must immediately retire with his army beyond the Rio Nueces or war would be declared. General Taylor made no response to this pronunciamiento, and two weeks later the Mexicans began hostilities by attacking and capturing some American dragoons who were reconnoitring. In the attack sixteen of the dragoons were killed and wounded.

Shortly after this event the entire Mexican army crossed to the east bank of the Rio Grande, and on the 8th of May gave battle to General Taylor's force at Palo Alto. After a severe contest lasting nearly five hours the Mexicans were forced to retreat. On the following day they rallied and again gave battle, this time in a ravine called Resaca de la Palma. They were defeated with great loss. General Taylor now advanced on Matamoras and made an easy capture of it.

On learning that Mexico had begun hostilities, President Polk sent a special message to Congress, on the 11th of May, announcing the fact. He said: "But now, after reiterated menaces, Mexico has passed the boundary of the United States,

has invaded our territory, and shed American blood upon American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war. . . . As war exists, and, notwithstanding our efforts to avoid it, exists by the act of Mexico herself, we are called upon, by every consideration of duty and patriotism, to vindicate with decision the honor, the rights, and the interests of our country."

The President asked for the authority and the men and means to carry on the war. Congress within two days, with but sixteen dissenting votes, passed a bill which declared that, "by the acts of the Republic of Mexico, a state of war exists between the United States and that republic," and which authorized the President to employ the land and naval forces of the United States, and to accept the services of 50,000 volunteers in prosecuting the war. Ten million dollars was placed at his disposal.

Thus we went to war with Mexico.

## CHAPTER XXIII

The Slavery Question.—An Historical Review of Slavery in North America.—The Antislavery Movement.—Refusal of Congress to Receive Antislavery Petitions.—The Atherton Gag.—John Quincy Adams's Bold Stand for the Right of Petition.—Close of the Mexican War.—Exciting Discussions about the Extension of Slavery to the Domain Acquired from Mexico.—The Wilmot Proviso.—Doctrine of Popular or Squatter Sovereignty.—Clay's Compromise Plan.—Webster's Speech about Secession.—The Foote - Benton Quarrel.—The Compromise of 1850.

It was fondly hoped by the majority of the Northern people, after Congress had adopted the Missouri Compromise in regard to the extension of slavery, in 1820, that the disturbing slavery question had been put to rest, and would never again be called from its slumber with its hideous train of spirits of strife and discord. It was hoped that slavery would never again be a factor in American politics; that it would be confined to a limited region of the United States; and that it would, as years went by, gradually cease to be a matter of any importance; and, finally, with the progress of humane and liberal ideas in the South, be entirely abolished. But so momentous a question could not be kept in a quiescent state. At frequent and almost regularly recurring periods the peculiar domestic institution was discussed in the halls of Congress, usually in a very heated manner. In fact, after 1830 the subject seemed to be almost constantly in the public mind; and year by year the antislavery movement expanded, agitating the whole country.

Negro slavery was introduced into North America in 1619, twelve years after the establishment of the colony of Virginia on the banks of the James River. The Virginia colonists at Jamestown wanted laborers to cultivate their plantations, and

they purchased twenty negro slaves who had been stolen from their homes in Africa and brought to Virginia by a Dutch trading-ship. Slavery, thus gaining entrance to the country, rapidly spread over it, and in all the thirteen colonies was soon established. The English government did all it could to encourage and protect slavery in America, and the business of supplying slaves to the colonial markets became a very lucrative one for English merchants. The colonial assemblies, from time to time, were required to pass laws for the protection of slave property, and everything possible was done by the mother-country to establish the system of human bondage firmly on the American Continent.

When the Constitution of the United States was formed, in 1787, there were about 700,000 slaves in the country, mostly in the Southern States. Slavery at this time was very generally regarded as an evil in the South as well as in the North, and it was believed that it would gradually become extinct as population increased and free labor should come in competition with slave labor. As slavery was regarded as an evil of a temporary nature, there was no consideration in the convention that framed the Constitution of the United States of the balance of power between states where slavery existed and where it did not exist. The convention considered only the question of representation, which was settled by adopting the three-fifths principle.

The word slave is not found in the Constitution, and where it was necessary to refer to slaves it has been done in an indirect way. James Madison exerted himself to keep all mention of slavery out of the Constitution, because he did not think it was proper that the great charter of American liberty should recognize the fact that there was human bondage in the country. Washington, Jefferson, Henry, and other leading men of the South were opposed to slavery, and greatly desired to see it perish from the land. Washington, in a letter to Robert Morris, said, "There is not a man living who desires more sincerely than I do to see a plan adopted for the abolition of slavery." Many believed that slavery would be abolished after 1808, the time set in the Constitution for the ending of the for-



eign slave-trade. That slavery was considered by the founders of the government a mere temporary condition, to be eliminated from the body-politic as soon as possible, seems to be beyond question.

After Eli Whitney, a Yankee of considerable mechanical genius from Massachusetts, who had gone to Georgia in 1793, to teach school, had invented the simple machine for separating the cotton from the seed which is known as the cotton-gin, the cultivation of cotton in the South became very profitable. It was held by the Southern planters that slave labor was necessary to raise the great staple, and, therefore, the value of slaves increased enormously. In the course of time, under the impulse of a growing and lucrative cotton trade, the whole aspect of slavery in the South was changed. It came to be the desire to make slavery a permanent thing. The Southern people were becoming exceedingly prosperous by slave labor, and they began to make strenuous efforts to strengthen and extend the domestic institution which was proving so valuable and apparently so necessary to the South.

Meantime, in the Northern States, where slavery had long been abolished, there was developing a strong opposition to having the system of bondage anywhere in the Federal Union. This opposition was increased by the formation, in 1833, of the American Antislavery Society, and the publication of the *Liberator*, an antislavery journal, edited by William Lloyd Garrison, a Boston printer, and the *Philanthropist*, edited by James G. Birney, in the West. The abolitionists, as they were called, demanded the immediate abolition of slavery, which they declared was the "mighty embodiment of all human wrongs" and the "sum of all villanies." They regarded its presence under the flag of liberty as an outrage, and they were firmly resolved to expose its monstrosity and destroy its vitality. The abolition movement was vigorously prosecuted by means of newspapers, pamphlets, books, lectures, etc., and was continued without cessation, in spite of the persecution of its leaders, until the slave was emancipated.

The work of the abolitionists aroused and excited the

Southern people, and at largely attended meetings resolutions were passed calling upon the sober-minded, conservative people of the North to apply a remedy to what was designated "a fanatical effort to interfere with a Southern institution." If the abolition movement were not arrested, the Southern people declared they should take measures for their own protection. The expediency of slavery they would not discuss. The responsibility for the system of bondage in the South, they declared, rested upon other shoulders, but the institution was theirs and they meant to protect it. It had been established and developed in accordance with law, and they claimed it was not lawful for the North to interfere with it.

The antislavery agitation was soon felt in Congress. Many petitions were presented from Northern abolitionists calling upon Congress to abolish slavery in the District of Columbia and to prohibit the slave-trade among the states. The numerous petitions concerning slavery exasperated the Southern members of Congress, and, therefore, in 1836, they secured the passage of resolutions in the House of Representatives to the effect that Congress had no constitutional power to interfere with the institution of slavery either in the District of Columbia or in any of the states. It was declared that all petitions relating to slavery should be laid on the table without being read, printed, or referred. These resolutions were introduced by Henry L. Pinckney, of South Carolina.

In 1838, as the antislavery petitions continued to pour in on Congress, provoking many acrimonious debates, another series of resolutions upon slavery, introduced by Charles G. Atherton, of New Hampshire, was adopted by the House of Representatives. These resolutions were generally called the "Atherton Gag." They denounced the petitions which had been presented for the abolition of slavery in the District of Columbia, and declared that Congress could not interfere with slavery, and that all petitions on the subject should be laid on the table without being debated.

Again, in 1840, William Cost Johnson, of Maryland, offered a resolution in the House that virtually denied to the people the right to petition Congress on the subject of slavery. John-

son's resolution was adopted as the twenty-first rule of the House as follows :

"No petition, memorial, or resolution, or other paper, praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave-trade between the states or territories of the United States, in which it now exists, shall be received by this House, or entertained in any way whatever."

At this time the learned and venerable ex-President of the United States, John Quincy Adams, was a member of the House of Representatives, having represented the Plymouth District in Massachusetts for a number of years. Mr. Adams contended earnestly for the right of petition and the freedom of debate, and could not be moved from his position by abuse, invectives, or threats of expulsion. The "old man eloquent" stood up on the floor of the House day after day to maintain the right of the people to petition Congress about slavery or any other thing, and valiantly strove to have the obnoxious "twenty-first rule" abrogated. He denounced in severe terms those who upheld the "gag rule," and defied the House to put the gag in his mouth. He continued to present all the anti-slavery petitions sent to him, although he was not then in favor of the abolition of slavery in the District of Columbia, and said in one of his speeches that if a bill for this purpose were before the House he should not vote for it. He simply fought for the great principle of freedom of petition, and his fight was a courageous and noble one. Once an attempt was made to censure and expel him from the House for his manly course, but it served only to give him the opportunity for a great speech of defiance, and was a complete failure. In 1844, on Mr. Adams's annual motion, the House rescinded the twenty-first rule.

There was a general belief in the Northern States that the annexation of Texas had been accomplished by Southern political influence, solely for the purpose of extending slavery over a vast country and augmenting the power and prestige of the slave-holding states; and the Mexican War, which resulted from taking Texas into the Union, was denounced by many as an

iniquitous one. The Northern Whigs at first were bitterly opposed to the war, and declared that President Polk had brought it on by ordering the United States troops to enter what was claimed as Mexican territory; but later they supported the war measures.

For nearly two years our troops fought gallantly in Mexico, and from Palo Alto to Buena Vista, and from Vera Cruz to the city of Mexico, made a brilliant record of heroic deeds. On February 2, 1848, a treaty of peace was signed at Guadalupe Hidalgo, in Mexico, by which all the disputed region north of the Rio Grande was ceded to the United States by Mexico. This made the boundary-line of Texas just what had been claimed by the American government. Mexico also relinquished to the United States the territory known as New Mexico and Upper California, it being agreed that the United States should pay \$15,000,000 for the domain relinquished. Out of this sum was to be deducted about \$3,000,000 due from Mexico to citizens of the United States. On the 4th of July, 1848, peace between the two countries was proclaimed by President Polk.

A few months after the Mexican War had begun there was an exciting discussion in Congress of the slavery question, which was caused by what was known as the Wilmot Proviso. President Polk had proposed to bring about a settlement of the war by negotiating for the purchase of certain territory from Mexico, and a bill appropriating \$2,000,000 for this purchase was introduced in the House of Representatives, in August, 1846. As it seemed certain that any territory acquired from Mexico would aid in the extension of slavery, David Wilmot, an antislavery Democrat of Pennsylvania, moved that there be added to the bill a proviso that in the territory to be acquired slavery should be excluded. The proviso read, "Provided, that neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall be duly convicted."

The House agreed to the proviso after a lengthy and heated debate, and passed the bill as amended, but it failed of passage in the Senate. Another attempt was made in 1847, in the

Twenty-ninth Congress, to add the Wilmot Proviso to a bill appropriating \$3,000,000 for the purchase of Mexican territory; but the Senate struck the proviso from the bill, and the House was forced to pass it without the prohibition of slavery.

The Oregon boundary question having been settled by a treaty with the British government in 1846, the matter of providing a government for the Territory of Oregon was speedily brought up in Congress. As the Wilmot Proviso was attached to the several bills offered for the organization of Oregon, it caused the whole question of the constitutional power of Congress to legislate upon the subject of slavery in the newly acquired territories to be discussed, generally with great vehemence. Slavery extension and slavery restriction received attention from the ablest statesmen in both houses of Congress, and the debates were prolonged and chiefly notable for exhibitions of sectional feeling and for the interchange of caustic personal remarks.

It was manifestly the desire of the South to widen the field of her enterprise and power in the future by extending slavery to the immense Mexican domain which had become a part of the United States, and her statesmen contended in an earnest manner against the proposition to exclude slavery from Oregon, New Mexico, and California. They held that Congress had no power to exclude slavery from the new territories, because they were the joint and common property of the states, both North and South, and because the citizens of all the states had the right to go into any of the territories with their property and enjoy it. This right was not denied to any property except slaves, and they claimed that to prohibit the enjoyment of slave property in the territories was unjust. The fiery men of the South—the “fire-eaters,” as they were designated—threatened to dissolve the Union if the rights of the slave-holding states were not respected. Many violent and many foolish speeches were made by the extremists on both sides, and the country was kept in a continual state of excitement.

The Whig and Democratic parties were about evenly divided on the question of slavery extension. The Democrats of the North were rather more against it than the Whigs of

the North were. In 1848 the two great parties were supplemented by the Free-soil party, which was made up of members of the old Liberty party and the radical Democrats and Whigs. The Free-soilers were opposed to the extension of slavery, and declared that Congress had "no more power to make a slave than to make a king; no more power to institute or establish slavery than to institute or establish a monarchy." They demanded that "the soil of our extensive domains shall be ever kept free."

It was now that the doctrine of "popular sovereignty," or, as John C. Calhoun, the great champion of the Southern slave system, sarcastically called it, "squatter sovereignty," was promulgated by those Northern Democratic leaders who desired to steer their course safely between the Wilmot Proviso and the Southern demand for slavery extension. The doctrine was first enunciated by Lewis Cass, in a speech, in which he stated it to be his belief that Congress should have nothing to do with the slavery problem, but that it should be "left to the people of the confederacy in their respective local governments." In other words, the people of each Territory should determine for themselves whether or not they should have slavery. This doctrine was acceptable to the conservative element of the Northern Democratic party, and Stephen A. Douglas, by his enthusiastic support of the doctrine, was recognized as the leader of the conservatives.

A bill was finally passed by the House for the organization of the Territory of Oregon, with the Wilmot Proviso prohibiting slavery. When the bill came up in the Senate it was amended, on motion of Mr. Douglas, so as to extend the Missouri Compromise Line to the Pacific Ocean. The effect of this would have been to divide the United States about equally into two parts. The northern part would have been free-soil, and the southern, slave territory. The House rejected the amendment. The Senate at last withdrew the amendment, and the bill was then passed. Provisional governments were ordered for New Mexico and California.

On the 21st of February, 1848, John Quincy Adams, then nearly eighty-one years old, was stricken with apoplexy while

engaged in his duties in the House of Representatives. Rising to address the Speaker, Mr. Adams suddenly fell forward into the arms of a member and became unconscious. He was removed to the Speaker's room, where he lay in a state of partial consciousness for two days, when he died. A short time before his death he revived a little, opened his eyes, and whispered to those around him, "This is the last of earth: I am content."

The discovery of gold in California caused the Territory to receive a large population, and in 1849 a State government was organized and a constitution adopted in which slavery was prohibited. In February, 1850, California applied to Congress for admission to the Union.

California's application for statehood fanned anew the flame of the slavery question, and the debates in both houses of Congress became exceedingly impassioned. The Southern members would not agree to admit California to the Union as a free State unless a new slave State should be admitted at the same time, and upon this point the advocates of slavery extension and of slavery restriction battled furiously.

A short time previous to the application of California for admission to the Union, Henry Clay had introduced in the Senate a series of resolutions which proposed a compromise, or an amicable arrangement, for the settlement of the various questions relating to slavery which had agitated the country so long. The great statesman, in his seventy-third year, though broken in health, had left his peaceful home in Kentucky and re-entered the Senate in order to give what aid he could to his country in its need. He had resigned from the Senate in March, 1842, never expecting again to appear on its floor. He had made a memorable valedictory speech, in which he had reviewed his long public life from its beginning in 1806, when, scarcely thirty years old, he had appeared in the United States Senate to enter upon his eminent career. In his speech he had said:

"Of the nature and value of those services which I may have rendered during my long career of public life, it does not become me to speak. History, if she deigns to notice me, and posterity—if a recollection of any humble service which I may

have rendered shall be transmitted to posterity—will be the best, truest, and most impartial judges; and to them I defer for a decision upon their value. But upon one subject I may be allowed to speak. As to my public acts and public conduct, they are for the judgment of my fellow-citizens; but my private motives of action—that which prompted me to take the part which I may have done upon great measures during their progress in the national councils can be known only to the Great Searcher of the human heart and myself; and I trust I shall be pardoned for repeating again a declaration which I made thirty years ago: that whatever error I may have committed—and doubtless I have committed many during my public service—I may appeal to the Divine Searcher of hearts for the truth of the declaration which I now make, with pride and confidence, that I have been actuated by no personal motives—that I have sought no personal aggrandizement—no promotion from the advocacy of those various measures on which I have been called to act—that I have had an eye, a single eye, a heart, a single heart, ever devoted to what appeared to be the best interests of the country.”

Mr. Clay re-entered the Senate in 1849. He was desirous of securing “the peace, concord, and harmony of the Union,” as he stated, in any honorable way, and he believed that a compromise should be made between the contending factions. The compromise resolutions he introduced were as follows:

“1. That California, with suitable boundaries, ought, upon her application, to be admitted as one of the states of the Union, without the imposition of any restriction by Congress, in respect to the exclusion or introduction of slavery within those boundaries.

“2. That, as slavery does not exist by law, and is not likely to be introduced into any territory acquired by the United States from the republic of Mexico, it is inexpedient for Congress to provide by law, either for its introduction or exclusion from any part of said territory; and that appropriate territorial governments ought to be established by Congress in all the said territory not assigned as within the boundaries of the pro-



posed State of California, without the adoption of any restriction or condition on the subject of slavery.

“3. That the western boundary of the State of Texas ought to be fixed on the Rio del Norte, commencing one marine league from its mouth, and running up that river to the southern line of New Mexico; thence with that line eastwardly, and so continuing in the same direction to the line as established between the United States and Spain, excluding any portion of New Mexico, whether lying on the east or west of that river.

“4. That it be proposed to the State of Texas, that the United States will provide for the payment of that portion of the legitimate and *bona fide* public debt of that State, contracted prior to its annexation to the United States, and for which the duties on foreign imports were pledged by the said State to its creditors, not exceeding the sum of \$——, in consideration of the said duties so pledged having been no longer applicable to that object after the said annexation, but having thenceforward become payable to the United States; and upon the condition also, that the said State of Texas shall, by some solemn and authentic act of her legislature or of a convention, relinquish to the United States any claim which it has to any part of New Mexico.

“5. That it is inexpedient to abolish slavery in the District of Columbia whilst that institution continues to exist in the State of Maryland, without the consent of that State, without the consent of the people of the District, and without just compensation to the owners within the District.

“6. That it is expedient to prohibit within the District the slave-trade, in slaves brought into it from states or places beyond the District, either to be sold therein as merchandise, or to be transported to other markets without the District of Columbia.

“7. That some effectual provision ought to be made by law, according to the requirements of the Constitution, for the restitution and delivery of persons bound to service or labor in any State who may escape into any other State or Territory in the Union.

“8. That Congress has no power to obstruct or prohibit

the trade of slaves between the slave-holding states ; but that the admission or exclusion of slaves, brought from one into another of them, depends exclusively upon their particular laws."

Mr. Clay advocated his resolutions in an earnest and able speech, and speeches upon the subject were made by most of the prominent Senators. Mr. Calhoun prepared a speech, but, as he was too ill to deliver it, it was read in the Senate by Senator Mason, of Virginia.

In his speech Mr. Calhoun declared that slavery was a philanthropic, humane institution, which had improved the condition of the African race morally and physically. He said that the slave-holding states were willing to leave the whole subject of slavery where the Constitution and the great and fundamental principles of self-government had placed it ; but, on the contrary, the non-slaveholding states, instead of being willing to leave it on this broad and equal foundation, demanded the interposition of the government, which had no constitutional power to interfere with slavery. He only asked that those rights of property which existed before the Constitution, and which were guaranteed by it, should be protected. If it could be shown that the Southern States would, as independent sovereignties, have possessed no right of extension, or that the right of territorial acquisition had been transferred to the federal government, subject to the condition that it should be used for the benefit of the Northern States exclusively, then we should have, he said, what had not yet been presented, a foundation for the assumption that from all territory thus acquired slavery should be forever excluded.

Mr. Calhoun said that he had believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion ; and entertaining this opinion he had, on all proper occasions, endeavored to call the attention of each of the two great parties which divided the country to adopt some measure to prevent so great a disaster, but without success. He said that it could no longer be denied that the Union was in danger, and he asked, "How can the Union be preserved?" He continued: "Unless some-

thing decisive is done, I again ask what is to stop this agitation before the great and final object at which it aims—the abolition of slavery in the states—is consummated? Is it, then, not certain that if something decisive is not now done to arrest it the South will be forced to choose between abolition and secession? Indeed, as events are now moving, it will not require the South to secede to dissolve the Union. If the agitation goes on nothing will be left to hold the states together except force.”

Mr. Webster reviewed the history of slavery in the United States, and spoke about the grievances, real or supposed, which had alienated the people of one portion of the country from the other, and had exasperated the feelings and subdued the sense of fraternal affection, patriotic love, and mutual regard. He said he had heard with pain and anguish and distress the declarations about secession from the lips of those known to the country for political services. He said:

“Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish—I beg everybody’s pardon—as to expect to see any such thing? Sir, he who sees these states, now revolving in harmony around a common centre, and expects to see them quit their places and fly off without convulsion, may look the next hour to see the heavenly bodies rush from their spheres and jostle against each other in the realms of space without causing the crush of the universe. There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility. Is the great Constitution under which we live, covering this whole country, is it to be thawed and melted away by secession, as the snows on the mountain melt under the influence of a vernal sun, disappear almost unobserved, and run off? No, sir! No, sir! I will not state what might produce the disruption of the Union; but, sir, I see as plainly as I see the sun in heaven what that disruption must produce: I see that it must produce war, such a war as I will not describe *in its twofold character*.

“And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in these caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come out into the light of day; let us enjoy the fresh air of Liberty and Union; let us cherish those hopes which belong to us; let us devote ourselves to those great objects that are fit for our consideration and our action; let us raise our conceptions to the magnitude and the importance of the duties that devolve upon us; let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny; let us not be pygmies in a case that calls for men. Never did there devolve on any generation of men higher trusts than now devolve upon us, for the preservation of this Constitution, and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest and brightest links in that golden chain which is destined, I fondly believe, to grapple the people of all the states to this Constitution for ages to come. We have a great, popular, constitutional government, guarded by law and by judicature, and defended by the whole affections of the people. No monarchical throne presses these states together; no iron chain of military power encircles them; they live and stand upon a government popular in its form, representative in its character, founded upon principles of equality, and so constructed, we hope, as to last forever. In all its history it has been beneficent; it has trodden down no man's liberty; it has crushed no State. Its daily respiration is liberty and patriotism; its yet youthful veins are full of enterprise, courage, and honorable love of glory and renown. Large before, the country has now, by recent events, become vastly larger. This republic now extends, with a vast breadth, across the whole continent. The two great seas of the world wash the one and the other shore. We realize, on a mighty scale, the beautiful description of the ornamental edging of the buckler of Achilles:

“Now the broad shield complete, the artist crowned  
With his last hand, and poured the ocean round;  
In living silver seemed the waves to roll,  
And beat the buckler's verge, and bound the whole.”

Throughout the session the Clay compromise plan, which its advocates believed would put an end to the distracting agitation of the slavery question, was the constant theme of debate in both houses of Congress, and produced much excitement. There was a very determined opposition to it, and it seemed to enable both Northern and Southern statesmen to discourse at great length upon all phases of the question, and to arouse the anger of both sections of the country by their harsh and bitter statements. The Free-soilers and not a few of the Whigs fiercely opposed the compromise, on the ground that it would be a disgraceful surrender to the slave power; and the radical Southern Democrats opposed it because they believed it would be a waiver of the right claimed by the slave-holders to take their slaves and settle wherever they pleased in the new territories. A very rancorous feeling was developed as the debates proceeded. Harsh things were said on all sides, and threats of seceding from the Union were frequently made by the Southerners. One day Robert Toombs, of Georgia, declared in the House that the Southern States had a perfect right to secede if their claims under the Constitution were denied. "Give us our rights," he exclaimed, "and we are ready, as ever before, to stand by the Union, every part of it and every interest. Refuse this, and I for one will strike for independence."

It was during the compromise debates that the celebrated quarrel occurred in the Senate between Senator Thomas Hart Benton, of Missouri, and Senator Henry S. Foote, of Mississippi. Mr. Benton had a great deal of egotism, and as "Father of the Senate" was rather disposed to exercise the authority of a patriarch. He seemed to think that his long continuous service gave him a certain and distinct superiority, and that he should have greater latitude in debate than others were accorded. Mr. Foote was an irascible fiery Southron of considerable ability. He would never acknowledge that Mr. Benton was anything more than a peer, and sometimes took occasion to apply a little sarcasm to the usually rather conceited speeches of the Missouri Senator.

On March 26, 1850, Mr. Benton spoke in favor of taking up

the bill for the admission of California to the Union, saying, "As a friend to the State of California, I now come into the action, and from this time forth I will struggle for the admission of the State." Mr. Foote made a sarcastic answer to this speech, and Mr. Benton rejoined by pronouncing the remarks "false and cowardly." In an excited manner Mr. Foote then denounced Mr. Benton, and intimated that he should be pleased to meet him on the field of honor. The Senators exchanged further offensive remarks, and then were called to order. Until April 17th they glared defiance at each other every day in the Senate, but kept the peace. On the 17th Mr. Benton occupied the attention of the Senate with a speech to show that the South was really in no danger from the antislavery movement, and that it was wrong on her part to excite the country by the "cry of wolf when there was no wolf."

To this speech Mr. Foote responded in a violent and bitter arraignment of Mr. Benton. When the excited Southerner was in the middle of a sentence, Mr. Benton suddenly sprang from his seat, and advanced quickly towards Mr. Foote as if to attack him. Mr. Foote at once stepped out into an open space near his desk and drew a pistol. There was great confusion, and several Senators seized the angry men. Amid the uproar Mr. Benton was heard to cry out, "I have no pistol. Stand out of my way. I disdain to carry arms. Let the assassin shoot."

Order was restored in a few minutes, and the affair was referred to an investigating committee, after both Mr. Benton and Mr. Foote had refused to give their word of honor that they would not continue the quarrel. Mr. Benton declared that the pistol had been brought into the Senate to assassinate him, but Mr. Foote said, "I brought it here to defend myself. My friends urged me to do that, being diminutive in size and quite feeble in health." The committee of investigation made a report after a long interval, but nothing came of the matter.

The compromise plan was referred to what was called "the compromise committee of thirteen," of which Mr. Clay was chairman. On May 8, 1850, the committee reported that it had agreed to the following provisions:

"1. The admission of any new State or states, formed out

of Texas, to be postponed until they shall hereafter present themselves to be received into the Union, when it will be the duty of Congress fairly and faithfully to execute the compact with Texas by admitting such new State or states.

"2. The admission forthwith of California into the Union, with the boundaries which she has proposed.

"3. The establishment of territorial governments, without the Wilmot Proviso, for New Mexico and Utah, embracing all the territory recently acquired by the United States from Mexico not contained in the boundaries of California.

"4. The combination of these last two mentioned measures in the same bill.

"5. The establishment of the western and northern boundary of Texas, and the exclusion from her jurisdiction of all New Mexico, with the grant to Texas of a pecuniary equivalent. And the section for that purpose to be incorporated in the bill admitting California, and establishing territorial governments for Utah and New Mexico.

"6. More effectual enactments of law, to secure the prompt delivery of persons bound to service or labor in one State, under the laws thereof, escaping into another State.

"7. Abstaining from abolishing slavery; but, under a heavy penalty, prohibiting the slave-trade in the District of Columbia."

It was hoped to include all these measures in one bill—"an omnibus bill," Mr. Clay called it; but they were finally passed in separate bills during August and September, 1850. By the Clay compromise plan California came into the Union without slavery, Texas was paid \$10,000,000 for that part of New Mexico she had claimed, New Mexico and Utah were organized as territories without the Wilmot Proviso, a new and more stringent fugitive-slave law was enacted, and the slave-trade was prohibited in the District of Columbia.

## CHAPTER XXIV

Renewed Agitation of the Slavery Question.—The Cuban Question.—The Kansas-Nebraska Bill Repealing the Missouri Compromise Line in Regard to Slavery.—Earnest Advocacy of the Bill by Stephen A. Douglas.—Passage of the Bill.—The Terrible Bloody Struggle in Kansas.—Vehement Debates in Congress.—Formation of the Republican Party.—Banks's Speakership Contest.—Charles Sumner Assaulted in the Senate Chamber.—Prominent Antislavery and Proslavery Statesmen.—Kansas Admitted to the Union as a State.

THE adoption of the Clay compromise plan did not for any length of time stop the talk about slavery, either in Congress or throughout the country. In truth, slavery continued to be the great subject of political controversy. It remained an unsettled question—one of the “unsettled questions which have no pity for the repose of nations.” At every session of Congress stirring speeches were made against the “peculiar institution” by the Free-soilers, and to these speeches the Southern members usually replied in severe language. Much was said about the stringent new Fugitive Slave law, which was an important part of the compromise plan. The North resented the capture of runaway slaves in its streets, and there was much indignation shown, and a general expression of opinion that the law was repugnant to the Constitution of the United States and to the spirit of Christianity, and should not be observed.

Both the Whig and Democratic parties fully supported the compromise plan, and affected a belief that the slavery question had been settled by it. The principle of non-intervention in regard to slavery in the domain acquired from Mexico was considered established, and the advocates of popular or squatter sovereignty insisted that the new states, which it was expected would eventually be formed out of the Mexican domain, should be allowed to enter the Union with or without slavery as their inhabitants should elect.



The purchase of the island of Cuba, the gem of the West Indies, was considerably discussed at this time. For twenty-five years there had been more or less talk about annexing Cuba to the United States. The South had always favored it, because it would give an extension to slavery, but neither of the great parties in the North had more than a lukewarm feeling about the matter. The purchase of Cuba from Spain had been first suggested by President John Quincy Adams, but nothing had come from his suggestion. In 1848 President Polk had instructed the American Minister to Madrid to offer the Spanish government \$100,000,000 for the "ever faithful isle," but the offer had been declined rather brusquely. A Cuban named Narcisco Lopez, in 1849, organized a filibustering expedition with the aid of Southern political leaders, and attempted to gain control of Cuba for the purpose of annexing it to this country. His expedition failed, and he organized another in 1850, which also failed. Not discouraged, Lopez organized a third expedition, and sailed from New Orleans in August, 1851, with 500 men. He made a landing in Cuba, but his force was overpowered by the Spanish authorities, and he and his principal officers were executed.

The Lopez expeditions appear to have caused Great Britain and France to believe that the United States really intended to acquire Cuba by force, and in 1852 they originated what was denominated the Tripartite Treaty, and solicited the American government to sign it in conjunction with them. This treaty pledged the three contracting nations never to make an attempt to acquire Cuba. Edward Everett was then Secretary of State, and in an exceedingly able state paper he announced the refusal of the United States to sign the treaty. After disclaiming any intention on the part of the government to wrest Cuba from Spain, he declared that the question was entirely an American one, and that, in accordance with the Monroe Doctrine, the American government, while it would not interfere with Spain's possession of Cuba, would not view with indifference any attempt to acquire the island by any other European power.

Two years later James Buchanan, Minister to Great Brit-

ain, John Y. Mason, Minister to France, and Pierre Soulé, Minister to Spain, were instructed by President Pierce to meet and consider the Cuban question, which was then being discussed in the United States. The three American diplomats had a meeting at Ostend, in Belgium, and later at Aix-la-Chapelle. In October, 1854, they sent to the Department of State a communication to the effect that it would be advantageous for the United States to acquire Cuba, and that it would be justified in seizing the island if Spain would not sell it. This communication is known as the Ostend Manifesto. It had no practical result, and after a little time the whole subject of the annexation of Cuba was dropped, and never since has been very much discussed.

The Thirty-second Congress, which met on December 6, 1852, was Democratic in both branches. The presidential election, in the previous November, had resulted in a great victory for the Democrats. With Franklin Pierce, of New Hampshire, as their candidate for President, they had secured the electoral votes of twenty-seven states. The Whigs, who had gone to battle with General Winfield Scott as their standard-bearer, had been able to obtain but four states. This overwhelming defeat of the Whig party was really the end of it as a political power. It existed as a sort of loosely joined organization for a few years afterwards, but it had no prominent place in American politics. After the passage of the Kansas-Nebraska Bill the Northern Whigs separated from the Southern Whigs on the slavery issue, and many of them entered the ranks of the Free-soilers and the American or Know-nothing party. The Southern Whig element, after a time, was merged in the Democratic party.

The American or Know-nothing party was a secret organization, with very impressive oaths, passwords, and signs, which had come into existence in 1852, for the purpose of excluding all foreigners and Roman Catholics from federal, State, county, and municipal offices. Its members were required to take an oath not to vote for any one not an American born and a Protestant. Its official name was the American party, but it had received the name of Know-nothing because its members al-

ways pretended they knew nothing about its name or its real policy. It had at one time a large membership both North and South, and in a number of elections showed great strength.

A bill to organize a part of the wild region west of Missouri and Iowa, extending to the Rocky Mountains, known as the "Platte Country," into a Territory, to be called Nebraska, was introduced in the Thirty-third Congress. The House of Representatives passed the bill, but it was laid on the table in the Senate. In the next Congress, in January, 1854, another Nebraska bill was introduced in the Senate. The authorship of this bill is credited to Stephen A. Douglas, who was then a Senator from Illinois, and chairman of the Senate committee on territories. The bill proposed a division of the eastern portion of the Platte Country into two territories, one of which was to be called Kansas and the other Nebraska. The Platte Country was north of or above the geographical line established by the Missouri Compromise, and, consequently, was debarred from having slavery. The Kansas-Nebraska Bill, as it was called, contained a clause repealing the Missouri Compromise line, and allowing the people of the Kansas and Nebraska territories to decide whether or not they should have slavery. The clause was as follows:

"That the Constitution and all the laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory [Kansas and also Nebraska] as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principles of non-intervention by Congress with slavery in the states and territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States; Provided, That nothing herein contained shall be construed to re-

vive or put in force any law or regulation which may have existed prior to the act of March sixth, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery."

The Kansas-Nebraska Bill at once produced great excitement in the North. The Free-soilers, who had little or no hope of removing slavery from the land by legislation, but who had resolved to prevent its extension, were amazed and indignant that an attempt should be made by Mr. Douglas to abolish the geographical line which had hitherto served to restrict slavery to a limited section of the country, and they immediately set up a strong opposition to the bill. They denounced Mr. Douglas for what they called his "act of bad faith." In proposing a repeal of the Missouri Compromise line, they said that the Senator from Illinois had proclaimed himself servile to the slave power and "false to sacred trusts." The more radical of the Free-soilers, who took a great honor and distinction in the name of abolitionists, issued a manifesto, in which they declared that Mr. Douglas had made "a criminal betrayal of precious rights," and was "engaged in an atrocious plot against the cause of free government." They declared that to repeal the Missouri Compromise line would be likely to increase the area of slavery—to convert much of the vast, unoccupied Western domain, which might in time become the home of millions of freemen, into "a dreary region of despotism, inhabited only by masters and slaves."

Not only was the proposed repeal of the Missouri Compromise line opposed by the avowed Free-soilers and abolitionists, but many of the radical Democrats and Whigs of the North were also earnest in their opposition to it. In Congress the bill was made the important matter, to the exclusion of nearly all other measures. There was a series of very fiery debates, continuing through four months. A large number of exceedingly able speeches were made. Mr. Douglas spoke at great length in the Senate, and exerted all his power in advocating his measure. Speaking for the committee on territories, which had reported the bill, he said that it was the intention of the committee to be explicit in regard to the question of slavery

in the territories. The committee had taken the principles established by the Compromise of 1850, and endeavored to make each provision of the bill accord with those principles of self-government which allowed the people to decide the question of their domestic institutions for themselves, subject only to such limitations and restrictions as are imposed by the Constitution of the United States, instead of having them determined by an arbitrary or geographical line. He said: "As the object of the committee was to conform to the principles established by the compromise measures of 1850, and to carry those principles into effect in the territories, we thought it was better to recite in the bill precisely what we understood to have been accomplished by those measures, viz., that the Missouri Compromise, having been superseded by the legislation of 1850, has become and ought to be declared inoperative."

Mr. Douglas maintained that the Missouri Compromise line covered only the territory acquired from France, and that "the principles of the act, the objects of its adoption, the reasons in its support, required that it should be extended indefinitely westward, so far as our territory might go, whenever new purchases should be made." He continued:

"In 1848 we acquired from Mexico the country between the Rio del Norte and the Pacific Ocean. Immediately after that acquisition, the Senate, on my own motion, voted into a bill a provision to extend the Missouri Compromise indefinitely westward to the Pacific Ocean, in the same sense and with the same understanding with which it was originally adopted. That provision passed this body by a decided majority, I think by ten at least, and went to the House of Representatives, and was defeated there by Northern votes.

"Now, sir, let us pause and consider for a moment. The first time that the principles of the Missouri Compromise were ever abandoned, the first time they were ever rejected by Congress, was by the defeat of that provision in the House of Representatives in 1848. By whom was that defeat effected? By Northern votes with free-soil proclivities. It was the defeat of that Missouri Compromise that reopened the slavery agitation with all its fury. It was the defeat of that Missouri Compro-

mise that created the tremendous struggle of 1850. It was the defeat of that Missouri Compromise that created the necessity for making a new compromise in 1850. Had we been faithful to the principles of the Missouri Compromise in 1848 this question would not have arisen. Who was it that was faithless? I undertake to say it was the very men who now insist that the Missouri Compromise was a solemn compact and should never be violated or departed from. Every man who is now assailing the principle of the bill under consideration, so far as I am advised, was opposed to the Missouri Compromise in 1848. The very men who now arraign me for a departure from the Missouri Compromise are the men who successfully violated it, repudiated it, and caused it to be superseded by the compromise measures of 1850. Sir, it is with rather bad grace that the men who proved faithless themselves should charge upon me and others, who were ever faithful, the responsibilities and consequences of their own treachery.

“Then, sir, as I before remarked, the defeat of the Missouri Compromise in 1848 having created the necessity for the establishment of a new one in 1850, let us see what that compromise was.

“The leading feature of the Compromise of 1850 was congressional non-intervention as to slavery in the territories; that the people of the territories, and of all the states, were to be allowed to do as they pleased upon the subject of slavery, subject only to the provisions of the Constitution of the United States.

“That, sir, was the leading feature of the compromise measures of 1850. Those measures, therefore, abandoned the idea of a geographical line as the boundary between free states and slave states; abandoned it because compelled to do it from an inability to maintain it; and in lieu of that substituted a great principle of self-government, which would allow the people to do as they thought proper. Now the question is, when that new compromise, resting upon that great fundamental principle of freedom, was established, was it not an abandonment of the old one—the geographical line? Was it not a superseding of the old one within the very language of the substitute for the

bill which is now under consideration? I say it did supersede it, because it applied its provisions as well to the north as to the south of  $36^{\circ} 30'$ . It established a principle which was equally applicable to the country north as well as south of the parallel of  $36^{\circ} 30'$ —a principle of universal application.”

It was contended by Mr. Douglas that “as to the territory covered by the bills providing a government for New Mexico and Utah, there was an express annulment of the Missouri Compromise; and as to all the other unorganized territories, it was superseded by the principles of that legislation, and we are bound to apply those principles to the organization of all new territories, to all which we now own or which we may hereafter acquire.”

He added:

“I repeat that, so far as the question of slavery is concerned, there is nothing in the bill under consideration which does not carry out the principles of the compromise measures of 1850, by leaving the people to do as they please, subject only to the provisions of the Constitution of the United States. If that principle is wrong, the bill is wrong; if that principle is right, the bill is right. . . . The legal effect of this bill, if it be passed as reported from the committee on territories, is neither to legislate slavery into these territories nor out of them, but to leave the people to do as they please, under the provisions and subject to the limitations of the Constitution of the United States. Why should not this principle prevail? Why should any man North or South object to it? I will especially address myself to my own section of country, and ask why should any Northern man object to this principle? If you will review the history of the slavery question in the United States, you will see that all the great results in behalf of free institutions which have been worked out have been accomplished by the operation of this principle, and by it alone.”

The Kansas-Nebraska Bill finally passed both houses of Congress, and was signed by President Pierce on May 30, 1854. To celebrate the repeal of the Missouri Compromise line a salute was fired on the grounds of the Capitol at Washington when it became known that the bill had become a law.

As soon as the bill was enacted hundreds of slave-holders and others, who had been living in the border counties of the slave State of Missouri, moved directly west into the fertile regions of Kansas and pre-empted some of the best lands of the new Territory. It was so evidently the purpose of the pro-slavery settlers to make Kansas, by the exercise of the popular-sovereignty principle, a domain of slavery, and thus, in time, to add another slave State to the Union, that the antislavery element in the North was aroused and quickly began to take action in the matter. Emigrant aid societies were formed, and under their auspices a host of people from the free states made their way to Kansas and acquired homesteads. There was a strong tide of emigration from the North for a long time. The cry was, "Ho for Kansas! Save it from slavery."

The South accepted the issue, and its leaders determined to spare no efforts to make Kansas a slave State. Since 1845 three free states—Iowa, Wisconsin, and California—had been admitted to the Union, and the Southern statesmen believed that if Kansas also became a free State the South could never hope to add to its political strength in the United States Senate. For some time the South had ceased its efforts to control the House of Representatives, because of the great increase of population in the Northern States, and its policy had been to preserve its equilibrium in the Senate. By the assistance of Northern votes it had held control there for an extended period, but its power was waning, and it was in danger of losing control.

The Southern determination to make Kansas a slave State prompted the aiding of Southern emigration to the Territory. Emigrants from many parts of the South were supplied with means to enable them to settle in Kansas. Following the emigrants were bands of armed men, who invaded the Territory and began a warfare on the Northern settlers. During the "Border War," as it was called, outrages of the most atrocious character were committed. Cowardly murders were frequent, and the list of bloody encounters is a long one. The "Border-ruffians" and "Jayhawkers" roamed hither and thither over the Territory, burning houses and barns, robbing men and in-



sulting women, and inflicting a large amount of damage on the settlers who were known to be advocates of a free State. Month after month there was an alarming flood of lawlessness and violence. The free State men organized themselves into armed bodies, ready for service wherever they were needed. With a fine spirit they resolved to die rather than to be driven from the Territory.

By the help of the votes of about a thousand men from the borders of Missouri, who journeyed across the country into Kansas, as a congressional report says, "armed with guns, rifles, pistols, and bowie-knives," and who "brought with them two pieces of artillery, loaded with musket-balls," and after illegally voting rode back home, the pro-slavery people were able to elect a territorial legislature, which adopted a State constitution establishing slavery and providing severe penalties for those who should interfere with it. The free-State people repudiated what they considered the illegal legislature and its State constitution, and set up a government of their own.

Throughout the country there was intense excitement over the condition of affairs in Kansas—"Bleeding Kansas," as it was called in the North. The federal government sent troops to preserve order and suppress "unlawful combinations," but as the troops appeared to act entirely in the interest of the pro-slavery settlers, under an assumption that the Free-soilers were in revolt of the regularly constituted territorial authority, the Northern people were indignant, and denounced the administration for its interference.

While Congress was discussing the Kansas-Nebraska Bill numerous meetings of citizens opposed to the repeal of the Missouri Compromise line and the extension of slavery had been held in various cities of the North. At these meetings it was urged that the time had arrived for the formation of a new political party on the slavery issue, and at one of the meetings it was suggested that the new party should be named Republican. The Republican party was to unite in one strong, compact organization the Free-soilers, abolitionists, radical Whigs and Democrats, and, in fact, all those opposed to the pro-slavery influence in national politics. The outrageous attempt

to make Kansas a slave State applied the necessary stimulus to the new party project, and at several State conventions the name Republican was assumed and elections held under it. In 1855 Ohio and Vermont elected Republican State tickets, and in New York the Republicans made a good but unsuccessful fight for the State offices. The Republican party constantly gained ground. It elected Nathaniel P. Banks, of Massachusetts, to the speakership of the national House of Representatives in February, 1856, after a long and memorable contest. In June, 1856, the Republicans held a national convention at Philadelphia, and nominated John C. Frémont, of California, for President, and William L. Dayton, of New Jersey, for Vice-President, but after an exciting campaign failed to elect their ticket.

The election of Nathaniel P. Banks as Speaker of the Thirty-fourth Congress was one of the noteworthy events of the time. The contest for the speakership began immediately upon the assembling of the Congress on December 3, 1855, and continued until February 2, 1856—two months of stubborn, fierce fighting, with all the factions concerned equally determined to endure and never yield. At no time before in the annals of the American Congress had there been a legislative deadlock so persistent and bitter. No other business could be done, and not even the President's annual message could be read. The House of Representatives was in continuous session day and night, with an occasional recess, and the members ate and slept at their desks.

Mr. Banks, who was elected Speaker on the 133d ballot, was a self-made man from Massachusetts. Beginning life as a bobbin-boy in a cotton-mill, he studied good books in his leisure time, read law while earning a living as a journalist, and entered political life as a member of the Massachusetts Legislature. He was elected to the Thirty-third Congress as a Democrat, and almost immediately won prominence by his fervid oratory and masterly discussions of the current legislative questions. When an attempt was made to repeal the Missouri Compromise line he left his party, and associated himself with what were called the "Anti-Nebraska men," who were composed of Northern Democrats and Whigs combined

in opposition to the Nebraska Bill when it was first presented, and later to the double measure, the Kansas-Nebraska Bill. The "Anti-Nebraskas" were firmly opposed to any legislation extending slavery to the territories, and they subsequently became the nucleus of the Republican party.

In the House of Representatives of the Thirty-fourth Congress there were 117 Anti-Nebraska men, 79 Democrats, and 37 Whigs. The Democrats and the Whigs had pro-slavery proclivities, and they desired to have a Speaker elected who should be of their way of thinking. Although the Anti-Nebraska men had a majority of one in the House, they were divided, and for some time could not agree on Mr. Banks as their candidate. There were six candidates at first and four afterwards. It was agreed after the 130th ballot that a plurality vote should elect. On the 133d ballot Mr. Banks received 103 votes, and William Aiken, of South Carolina, an administration Democrat, received 100.

Mr. Banks retired from Congress in 1857 to become Governor of Massachusetts, holding the office for three terms. During the Civil War he served as major-general, first in command of the Fifth Army Corps, and later in command of the Department of the Gulf. In 1865 he re-entered Congress as a Representative from Massachusetts, and held his seat for five terms.

Congress discussed the Kansas trouble vehemently. The antislavery statesmen spoke continually about it, and indulged in harsh personalities to a very considerable extent; while the Southern statesmen, and the "Northern men with Southern principles," were no less active in keeping the debates well heated and acrimonious from day to day by the severest of criticisms and the most exasperating of statements.

Among the prominent and aggressive antislavery statesmen was Charles Sumner, a Senator from Massachusetts. Mr. Sumner was a man of great intellect, profound erudition, and imposing personality. He was born in Boston on January 6, 1811, was graduated from Harvard College, and became a lawyer. For some years he was the reporter of the United States Circuit Court in Boston. He acquired a wide reputa-

tion by his law reports, his literary work, and his eloquence on the platform. In 1851 he was elected to the United States Senate, where he took a distinguished position at once.

Mr. Sumner was six feet two inches in height, and had a well-developed muscular body and a large head covered with long, shaggy, grayish hair. His face was rather sad and stern except when lighted with a smile. His voice had deep, rich tones, and as an orator he took first rank. Besides being a profound student of political science, he was deeply versed in literature, was an ardent lover of books, and took his chief pleasure in them. He spoke French and Italian as well as he did English, and had a fair knowledge of three or four other languages. He firmly believed that it was "always expedient to do right," as he was fond of saying, and he never would allow the question of policy to deter him from taking any political course. Party ties sat loosely on him, and he was rarely disposed to submit to political dictation. He espoused the unpopular cause of the slave upon first entering Congress, and constantly waged a noble warfare in this direction.

The illustrious Massachusetts statesman entered earnestly into the debates in the Senate about what he called "the crime against Kansas," and on May 19 and 20, 1856, made an elaborate speech on the subject. In his speech he criticised Senator Andrew P. Butler, of South Carolina, in severe terms for remarks made by that gentleman in a debate a few days previous, and also spoke in condemnation of a certain course taken by the State of South Carolina regarding the civil strife in Kansas. Mr. Butler was not present when Mr. Sumner criticised him. The speech was much commented on, and it seemed to generate a sort of revengeful feeling among the Southerners.

On May 22d, after the adjournment of the Senate, Mr. Sumner remained at his desk writing letters for some time. While thus engaged, he was suddenly approached by Preston S. Brooks, a Representative from South Carolina, and a nephew of Senator Butler. Mr. Brooks exclaimed that he had come to punish Mr. Sumner for what he had said about the South Carolina Senator. He held in his hand a heavy cane, and with it he struck Mr. Sumner savagely on the head, following up the

blow with a number of others. Mr. Sumner sprang up from his seat to defend himself, but soon fell to the floor unconscious. The assault was witnessed by several persons, but so suddenly was it begun, and so quickly done, that no one could interfere to prevent it. Mr. Sumner's face and head were badly cut, and blood flowed copiously from his wounds. He was removed to his residence, and for many months suffered severely from the assault.

Mr. Sumner went to Europe to regain his health, and it was not until the spring of 1860 that he reappeared in the Senate Chamber to resume his duties. Massachusetts re-elected him Senator, and kept him in the position until his death in Washington on March 11, 1874.

Mr. Brooks was censured for his infamous act by the House of Representatives. In an arrogant speech he resigned his seat, went home, was promptly re-elected, and soon reappeared in the House as defiant as before. The entire South applauded and eulogized him, and many testimonials of regard were bestowed upon him. The North was loud in denunciation of the assault, and it stirred up a vast amount of bitter feeling against the pro-slavery party.

The leader of the antislavery force in the House of Representatives was Joshua R. Giddings, of Ohio. For years he had proudly borne the name of abolitionist, and had constantly shown an unflinching, strenuous opposition to the extension of slavery. In the exciting debates upon this question he had participated with remarkable skill and effect, and had achieved great national fame for his fervid utterances against the whole system of human bondage.

Mr. Giddings was born at Athens, Pa., on October 6, 1795. When he was ten years old his parents removed to Ashtabula, O., where he afterwards made his home. He was mostly self-educated. He managed to take a course of law studies and was admitted to the bar. Shortly after he had begun to practise law he joined in partnership with Benjamin F. Wade, and the two young men—talented, earnest, progressive—speedily obtained the largest and most lucrative law business in the

Ashtabula section of Ohio. In 1838 Mr. Giddings was elected to the Twenty-fifth Congress as a Representative, and without an intermission he held his seat until the end of the Thirty-fifth Congress, in 1859. When he began his congressional career he was a Whig, but he soon developed into an abolitionist. His long legislative career was marked by great activity and strict devotion to duty. He was a large, athletic man, fearless in speech and action.

Another very prominent antislavery man at this time in Congress was William H. Seward, of New York. He was born at Florida, Orange County, N. Y., on May 16, 1801. He received a good common-school education, and then was graduated from Union College. He became a lawyer at Auburn, in his native State, when twenty-two years old. He entered political life as a Whig, served in the legislature, and in 1838 was elected Governor of New York, and two years later was re-elected for another term. In 1849 he was sent to the United States Senate and continued there until 1861, when he became Secretary of State in President Lincoln's Cabinet.

Mr. Seward was a powerful leader in the antislavery movement. He was able, sagacious, a shrewd political manager and worker, and unfaltering in his devotion to the cause of freedom for the slave. He was rather small in person and had little talent as an orator, but his speeches were always attentively listened to, as they were strong in argument and fearless in tone.

Mr. Seward originated the phrase "irrepressible conflict," which he used in an antislavery speech at Rochester, N. Y., on October 25, 1858, in this way: "It is an irrepressible conflict between opposing and enduring forces, and it means that the United States will sooner or later become either an entire slave-holding nation or an entirely free-labor nation."

Salmon P. Chase was a Senator from Ohio, from 1849 to 1855, and stood bravely with the few who were fighting in Congress in behalf of the slave. He was very radical in his views concerning slavery, and contended against the extension of it with a persistent, indomitable spirit. Mr. Chase was born at Cornish, N. H., on January 13, 1808. He was graduated

from Dartmouth College, studied law, went West, and was admitted to the bar of Ohio. In 1856 he was elected Governor of Ohio on the Republican ticket. He became Secretary of the Treasury in President Lincoln's Cabinet in 1861, and for four years conducted the national finances with remarkable ability. From 1864 until his death in 1873 he was the Chief-Justice of the United States.

The leader of the ultra Democrats of the South was Jefferson Davis, of Mississippi. He was born in Kentucky on June 3, 1808, but while an infant his parents removed to Mississippi. He received an appointment to the West Point Military Academy, and after graduation served as lieutenant in the United States Army until 1835, when he resigned and became a cotton planter in Mississippi. In 1845 he was elected as a Democratic Representative to Congress, but the following year he resigned his seat in the House to participate in the Mexican War as the commander of a Mississippi volunteer regiment of riflemen. In 1847 he was chosen to the United States Senate, where he speedily achieved a high position. After a service of about four years, Mr. Davis left the Senate to run for Governor of Mississippi, but was defeated, and continued in private life until called to the position of Secretary of War in the Cabinet of President Pierce in 1857. He was at the head of the War Department for four years, and made a reputation as an efficient manager of the department. In 1857 he returned to the Senate, and remained there until 1861, when he withdrew to become the President of the Southern Confederacy.

Mr. Davis was a dignified man of medium height; was courteous and kind in manner; was a ready, skilful debater, speaking in a nervous, rapid way, and always displayed great ability in his legislative work. He was a zealous disciple of Calhoun, and a firm believer in all the Southern political doctrines.

Alexander H. Stephens, of Georgia, was another prominent Southerner. He entered the House of Representatives as a Whig in 1843, and remained until 1859, taking part most actively in all the important legislation. Mr. Stephens was born in Taliaferro County, Ga., on February 11, 1812, and after a

collegiate education was admitted to the bar when twenty-two years old. He had five years' experience in the Georgia Legislature before he came to Congress. After the disintegration of the Whig party Mr. Stephens became a Democrat. He was a forcible speaker and exceedingly adroit in debate, and was regarded as one of the ablest of Southern statesmen. He became the Vice-President of the Southern Confederacy, and after the Civil War, in 1877, again entered Congress as a Representative, remaining until 1882. While Mr. Stephens was as strong a pro-slavery man as Mr. Davis or any other statesman from the South, he was, to a certain extent, opposed to the secession movement, and made several impressive speeches against it. Finally he believed it his duty to go with his State into secession.

In one of Mr. Stephens's speeches against secession he predicted that the Southern States, if they seceded from the Union, would have their slaves "wrenched" from them "by the vindictive decree of a universal emancipation, which may reasonably be expected to follow." He asked what the South had to gain by secession, and said:

"We have always had the control of the general government, and can yet have the control if we remain in it and are as united as we have been. We have had a majority of the Presidents chosen from the South, as well as the control and management of most of those chosen from the North. We have had sixty years of Southern Presidents to their twenty-four, thus controlling the executive department. So of the judges of the Supreme Court: we have had eighteen from the South, and but eleven from the North; although nearly four-fifths of the judicial business has arisen in the free states, yet a majority of the court has always been from the South. This we have required so as to guard against any interpretation of the Constitution unfavorable to us. In like manner we have been equally watchful to guard our interests in the legislative branch of government. In choosing the presiding presidents (*pro tem.*) of the Senate, we have had twenty-four to their eleven. Speakers of the House we have had twenty-three, and they twelve. While the majority of the Representatives, from their



greater population, have always been from the North, yet we have generally secured the Speaker, because he, to a great extent, shapes and controls the legislation of the country. Nor have we had less control in every other department of the general government. Attorney-generals we have had fourteen, while the North have had but five. Foreign ministers we have had eighty-six, and they but fifty-four. While three-fourths of the business which demands diplomatic agents abroad is clearly from the free states, from their greater commercial interest, yet we have had the principal embassies, so as to secure the world-markets for our cotton, tobacco, and sugar on the best possible terms. We have had a vast majority of the higher offices of both army and navy, while a larger proportion of the soldiers and sailors were drawn from the North. Equally so of clerks, auditors, and comptrollers filling the executive department; the records show for the last fifty years that of the three thousand thus employed we have had more than two-thirds of the same, while we have but one-third of the white population of the republic."

Another distinguished Georgian was Robert Toombs. He was born in Georgia on July 2, 1810, his parents being members of a leading Southern family. He was educated at the University of Georgia and at Union College in New York State, and was admitted to the bar of his native State in 1829. He served gallantly in the war with the Creek Indians, and, returning to Georgia, made himself prominent in political circles there for some time. In 1845 he entered Congress as a Representative, and held his seat for six years. He became noted for his fiery utterances during the discussions about slavery, and was among the first of the Southern men to proclaim boldly the intention of the Southern States to leave the Union if slavery were not extended to the new territories. In later years he always denied that he had made the remark attributed to him, that he should one day call the roll of his slaves on Bunker Hill. Mr. Toombs became a member of the Senate in 1853, and served until 1861. While Senator he did a great deal of important committee work.

A cultivated, eloquent orator and a statesman of great abil-

ity was John C. Breckinridge, of Kentucky, who served in the House of Representatives from 1851 to 1855, and two years later became Vice-President of the United States. He was born in Kentucky on January 16, 1821, of distinguished parentage, and after graduating from Centre College read law and practised his profession with much success at Lexington. His career in Congress was marked by a passionate devotion to Southern interests, and he was ever ready with tongue and pen to advocate the measures which were for the benefit of the South. After his term as Vice-President he was chosen to the Senate, and entered that body at the extra session in July, 1861. In the following December he was expelled because he had joined the Confederates.

The Kansas complication continued. Outrages and brutalities were constantly reported. Some of the towns occupied by the free-soil people were captured by the Southern hordes and plundered. Even after a considerable lapse of time the condition of affairs in the Territory did not appear to improve. A steady emigration from the North had caused Kansas to have a large population of antislavery people. President Pierce finished his term, and James Buchanan became President. Mr. Buchanan used the power of the federal government against those who were striving to make Kansas a free State. He officially declared that they were in revolt against the legal government of the Territory, and he endeavored to have them accept a State constitution formed at a convention of pro-slavery men at Lecompton. He also exerted his influence with Congress to have it pass what was called the Lecompton Bill, which authorized the admission of Kansas into the Union under the Lecompton Constitution.

It was well known that the greater number of the people of Kansas were intensely hostile to this constitution, as it legalized slavery. There had not been what could be called a fair vote of the people upon it, and in no sense could it be said to express the popular will. Nevertheless, the Buchanan administration, fully supporting the pro-slavery side of the matter, had determined that Kansas should come into the Union under

this constitution, and to that end used every means in its power. The Lecompton Bill was opposed by Stephen A. Douglas and other Northern Democrats, who demanded that the people of Kansas should be allowed to exercise to the fullest possible extent the right of popular sovereignty in the choice of a State constitution. Mr. Douglas and his colleagues incurred the displeasure of the administration by their opposition to the bill.

After a series of long and very passionate debates, Congress passed the Lecompton Bill, with an amendment making extensive grants of public lands to Kansas if her people should accept the Lecompton Constitution. A few weeks later a vote was taken in Kansas upon the Lecompton Constitution, and it was rejected by 10,000 majority.

A potent factor in bringing the Kansas trouble to an end was the seizure of slaves in Missouri by John Brown, a radical abolitionist farmer, who shortly afterwards startled the country by his attack on Harper's Ferry. John Brown had gone to Kansas from his home in New York State to reside with some of his sons, who had a farm in the town of Ossawatimie. Here he organized a small band of "Free State Avengers," and, in retaliation for the outrages of the border-ruffians, roamed over the southeastern part of Kansas, striking blows at the pro-slavery people whenever he found the opportunity. He made a raid into Missouri and liberated a number of slaves, whom he carried to the free soil of Canada. The Missouri slave-holders were panic-stricken by the audacious act, and at once began to urge a settlement of the Kansas imbroglio. They would rather have Kansas a free State than to have their slaves spirited away to Canada.

In the Thirty-sixth Congress, which met on December 5, 1859, two Representatives declared, in a debate on the Kansas question, that they had been offered bribes by President Buchanan to cast their votes for the Lecompton Bill. On motion of John Covode, of Pennsylvania, a committee was appointed to investigate this charge. The Covode Investigation, as it was known, consumed about three months. President Buchanan vigorously protested against it. The Republican mem-

bers of the committee of investigation made a report that the President had offered certain inducements to members of Congress to vote for the Lecompton Bill, as charged ; but the Democratic members of the committee reported that the charge was not proved. The two reports were received by the House, but no action was taken on them.

The free State men in Kansas held a convention at Wyandotte and adopted a State constitution. After one failure in Congress to admit Kansas into the Union under the Wyandotte Constitution, the thing was at last accomplished on January 29, 1861, by the withdrawal from Congress of a number of Southern members, which left the Republicans in a majority in both houses. Thus, after a long and terrible struggle, Kansas became a free State shortly before the beginning of the great Civil War.

## CHAPTER XXV

Various Matters Preceding the Civil War. — The Dred Scott Decision. — John Brown's Raid on Harper's Ferry. — Secession Utterances in Congress. — The Presidential Election of 1860. — Abraham Lincoln Elected President. — South Carolina Secedes from the Union. — President Buchanan Defines his Position. — The Crittenden Compromise Plan. — Proposed Amendment to the Constitution Relating to Slavery. — President Lincoln's Inaugural Address. — Formation of the Southern Confederacy. — Beginning of the War.

THE famous decision of the Supreme Court of the United States in the case of Dred Scott, a negro slave, announced on March 6, 1857, augmented the angry controversies between those who desired the extension of slavery and those who would restrict it. Dred Scott was the property of an army surgeon in Missouri, a slave State. His master removed with him to Illinois and thence to the Northwest, finally returning to Missouri. Scott claimed that by his residence in territory made forever free by the Compromise of 1820 he could not, therefore, any longer be held legally as a slave. He sued a man who had purchased him from his former master in a Missouri court for damages for whipping him, and obtained a judgment in his favor. The case ultimately reached the Supreme Court of the United States, which dismissed it on the ground that a negro, whether bond or free, was not a citizen of the United States, and had no right to sue in any court.

The majority opinion of the Supreme Court, as expressed by Chief-Justice Roger B. Taney, was to the effect that negroes had "no rights which the white man was bound to respect"; that slaves were simply property, the secure possession of which was guaranteed by the Constitution of the United States; and that the owners of slaves had a perfect

right to take them anywhere in the country. It was also declared, in this connection, that the Missouri Compromise of 1820, restraining slavery to the territory south of the parallel of  $36^{\circ} 30'$ , was unconstitutional and therefore void.

For a long time there had been developing in the Southern country a bitter feeling against the Northern people for "their unwarranted and wicked interference with slavery," as Jefferson Davis phrased it; and this bitterness was increased almost to a "fine frenzy" when John Brown and his little army of twenty-two men made their memorable raid on Harper's Ferry on October 17, 1859. The raiders took possession of the village and the United States Arsenal there, which contained upward of 100,000 stands of arms. Brown expected that the slaves in this section of Maryland and Virginia would rise and join his party, take arms from the arsenal, and flee to the mountains, whence other raids could be made and other slaves freed, the object being to start a general slave insurrection throughout the South. But the slaves did not rise, and Brown and his associates were either hanged or shot. The raid served only to "fire the Southern heart" and to create an intense excitement in the North.

The Southern statesmen declared that Brown's raid was the logical result of the antislavery propaganda, and they demanded with greater urgency than before that additional securities should be given that slavery should be properly protected and its extension provided for. Unless this were done, they declared that the South would secede and stoutly defend her rights without the Union, if she could not maintain them within. The debates in both houses of Congress were notable for bold utterances of secession sentiments, and it was quite evident to all who watched the arena of national politics that there was a steady growth of the disunion movement in the South.

The Democratic statesmen of the North, in the main, with a keen realization of the situation of affairs in their section, argued that the demand of the South for the extension of and additional protection to slavery was impolitic at this time, as the free states had been practically united by the progress of

the antislavery sentiment; and it was believed any further concessions to slavery would certainly result in the turning over of the federal government to the new Republican party. They could see no good reason for any departure of the Democratic party from its old policy of mutual concession and friendly forbearance, and they thought the South should be satisfied with what it had obtained by the repeal of the Missouri Compromise, which left to the actual settlers of the territories the right to have slavery, or exclude it, at their own pleasure.

Into this distracted condition of affairs came the presidential election of 1860 as an additional excitant and irritant. There were four tickets in the field. The Republicans had nominated Abraham Lincoln for President, on a platform containing the declaration that "to the union of states this nation owes its unprecedented increase in population, its surpassing development of material resources, its rapid augmentation of wealth, its happiness at home and its honor abroad; and we hold in abhorrence all schemes for disunion, come from whatever source they may; and we congratulate the country that no Republican member of Congress has uttered or countenanced the threats of disunion so often made by Democratic members, without rebuke and with applause from their political associates; and we denounce those threats of disunion, in case of a popular overthrow of their ascendancy, as denying the vital principles of a free government and as an avowal of contemplated treason, which it is the imperative duty of an indignant people sternly to rebuke and forever silence." It was declared "that the new dogma, that the Constitution, of its own force, carries slavery into any or all of the territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and legislative and judicial precedent; is revolutionary in its tendency, and subversive of the peace and harmony of the country; that the normal condition of all the territory of the United States is that of freedom; that as our republican fathers, when they had abolished slavery in all our national territory, ordained that 'no person

shall be deprived of life, liberty, or property, without due process of law,' it becomes our duty, by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, or of a territorial legislature, or of any individuals, to give legal existence to slavery in any territory of the United States."

The Democratic party was split into two factions—the Northern faction having Stephen A. Douglas as its nominee for the presidency, and the Southern faction having John C. Breckinridge. The platform of the Douglas Democrats stated that as differences of opinion existed "in the Democratic party as to the nature and extent of the powers of a territorial legislature, and as to the powers and duties of Congress, under the Constitution of the United States, over the institution of slavery within the territories," therefore the Democratic party would "abide by the decisions of the Supreme Court of the United States on the questions of constitutional law."

The Breckinridge Democrats, in their platform, declared "that the government of a Territory, organized by an act of Congress, is provisional and temporary; and, during its existence, all citizens of the United States have an equal right to settle, with their property, in the Territory, without their rights, either of person or property, being destroyed or impaired by congressional or territorial legislation; that it is the duty of the federal government, in all its departments, to protect, when necessary, the rights of persons and property in the territories, and wherever else its constitutional authority extends."

The Constitutional Union party, which was formed out of the remnants of the American or Know-nothing party, had John Bell as its candidate for President. Its platform was non-committal upon slavery, but declared "that it is both the part of patriotism and of duty to recognize no political principles other than the Constitution of the country, the Union of the states, and the enforcement of the laws."

The presidential campaign was a very exciting one, and resulted in a great victory for the Republicans. Mr. Lincoln



carried all the free states except New Jersey, where there were chosen four Republican and three Douglas Democrat electors. He received a popular vote of 1,866,352 and an electoral vote of 180 out of a total of 303. Mr. Douglas received a popular vote of 1,375,157 and an electoral vote of 12. Mr. Breckinridge received a popular vote of 845,763 and an electoral vote of 72. Mr. Bell received a popular vote of 589,581 and an electoral vote of 39.

It had been frequently declared by Southern statesmen during the presidential campaign that if the Republicans—the “Black Republicans,” they called them because they espoused the cause of the negro—should triumph in the election the South would certainly secede from the Union. Hardly had the Northern cheers over the result of the election died away when the first movement in the secession scheme occurred. On December 20, 1860, at a State convention held at Charleston, S. C., an “Ordinance of Secession” was unanimously passed “to dissolve the Union between the State of South Carolina and other states united with her in the compact entitled the Constitution of the United States of America”; and four days later Governor Pickens proclaimed to the world that the State of South Carolina was “a separate, sovereign, free, and independent State, and as such has a right to levy war, conclude peace, negotiate treaties, leagues, or covenants, and to do all acts whatsoever that rightfully appertain to a free and independent State.”

The second session of the Thirty-sixth Congress began on December 3, 1860. In his annual message to Congress President Buchanan made an elaborate argument against secession, declaring that the Union of the states was intended to be perpetual, and not to be annulled at the pleasure of any one of the contracting parties, as claimed by the South. He defined his own position as follows :

“What in the meantime is the responsibility and true position of the executive? He is bound by solemn oath before God and the country ‘to take care that the laws be faithfully executed,’ and from this obligation he cannot be absolved by any human power. But what if the performance of this duty,

in whole or in part, has been rendered impracticable by events over which he could have exercised no control? Such, at the present moment, is the case throughout the State of South Carolina, so far as the laws of the United States to secure the administration of justice by means of the federal judiciary are concerned. All the federal officers within its limits, through whose agency alone these laws can be carried into execution, have resigned. We no longer have a district judge, a district attorney, or a marshal in South Carolina. In fact, the whole machinery of the federal government necessary for the distribution of remedial justice among the people has been demolished, and it would be difficult, if not impossible, to replace it.

“The only acts of Congress on the statute-book bearing upon this subject are those of the 28th of February, 1795, and 3d of March, 1807. These authorize the President, after he shall have ascertained that the marshal, with his *posse comitatus*, is unable to execute civil or criminal process in any particular case, to call forth the militia and employ the army and navy to aid him in performing this service, having first by proclamation commanded the insurgents ‘to disperse and retire peaceably to their respective abodes within a limited time.’ This duty cannot by any possibility be performed in a State where no judicial authority exists to issue process, and where there is no marshal to execute it, and where, even if there were such an officer, the entire population would constitute one solid combination to resist him.

“The bare enumeration of these provisions proves how inadequate they are without further legislation to overcome a united opposition in a single State, not to speak of other states who may place themselves in a similar attitude. Congress alone has power to decide whether the present laws can or cannot be amended so as to carry out more effectually the objects of the Constitution.

“The same insuperable obstacles do not lie in the way of executing the laws for the collection of customs. The revenue still continues to be collected, as heretofore, at the custom-house in Charleston, and should the collector unfortu-

nately resign, a successor may be appointed to perform this duty.

“Then, in regard to the property of the United States in South Carolina. This has been purchased for a fair equivalent, ‘by the consent of the legislature of the State,’ ‘for the erection of forts, magazines, arsenals,’ etc., and over these the authority ‘to exercise exclusive legislation’ has been expressly granted by the Constitution to Congress. It is not believed that any attempt will be made to expel the United States from this property by force; but if in this I should prove to be mistaken, the officer in command of the forts has received orders to act strictly on the defensive. In such a contingency the responsibility for consequences would rightfully rest upon the heads of the assailants.

“Apart from the execution of the laws, so far as this may be practicable, the executive has no authority to decide what shall be the relations between the federal government and South Carolina. He has been invested with no such discretion. He possesses no power to change the relations heretofore existing between them, much less to acknowledge the independence of that State. This would be to invest a mere executive officer with the power of recognizing the dissolution of the Confederacy among our thirty-three sovereign states. It bears no relation to the recognition of a foreign *de facto* government, involving no such responsibility. Any attempt to do this would, on his part, be a naked act of usurpation. It is, therefore, my duty to submit to Congress the whole question in all its bearings.

“The question fairly stated is, ‘Has the Constitution delegated to Congress the power to coerce a State into submission which is attempting to withdraw, or has actually withdrawn from the Confederacy?’ If answered in the affirmative, it must be on the principle that the power has been conferred upon Congress to make war against a State.

“After much serious reflection I have arrived at the conclusion that no such power has been delegated to Congress or to any other department of the federal government. It is manifest, upon an inspection of the Constitution, that this is not

among the specific and enumerated powers granted to Congress; and it is equally apparent that its exercise is not 'necessary and proper for carrying into execution' any one of these powers. So far from this power having been delegated to Congress, it was expressly refused by the convention which framed the Constitution."

Before sending his message to Congress the President had consulted his Attorney-general, Jeremiah S. Black, as to his right to coerce a rebellious State. Mr. Black gave a studied opinion to the effect that "the existing laws put and kept the federal government strictly on the defensive," and that the President could "use force only to repel an assault on the public property and aid the courts in the performance of their duty." He argued that Congress had no right given it by the Constitution of the United States to make war on one or more of the states, and said:

"If it be true that war cannot be declared, nor a system of general hostilities carried on by the central government against a State, then it seems to follow that an attempt to do so would be *ipso facto* an expulsion of such State from the Union. Being treated as an alien and an enemy, she would be compelled to act accordingly. And if Congress shall break up the present Union by unconstitutionally putting strife and enmity and armed hostility between different sections of the country, instead of the 'domestic tranquillity' which the Constitution was meant to insure, will not all the states be absolved from their federal obligations? Is any portion of the people bound to contribute their money or their blood to carry on a contest like that?

"The right of the general government to preserve itself in its whole constitutional vigor by repelling a direct and positive aggression upon its property or its officers cannot be denied. But this is a totally different thing from an offensive war to punish the people for the political misdeeds of their State governments, or to prevent a threatened violation of the Constitution, or to enforce an acknowledgment that the government of the United States is supreme. The states are colleagues of one another, and if some of them shall conquer the rest and hold

them as subjugated provinces, it would totally destroy the whole theory upon which they are now connected.

“If this view of the subject be as correct as I think it is, then the Union must totally perish at the moment when Congress shall arm one part of the people against another for any purpose beyond that of merely protecting the general government in the exercise of its proper constitutional functions.”

The President's declaration that Congress or any branch of the federal government had no right to coerce a State was very elaborately discussed in Congress both from the Northern and the Southern standpoint. Few outside of the Southern statesmen were found to agree with it. In order to conciliate the South and avert the impending national trouble numerous propositions for a compromise of the slavery question were submitted. The most notable of these was the one submitted by John J. Crittenden, of Kentucky, which was substantially that an amendment to the Constitution of the United States should be made by which slavery should be forever prohibited in all the country north of the parallel of  $36^{\circ} 30'$ , and forever permitted in all the country south of this line, and also that all fugitive slaves rescued from the officers of the law and spirited away should be paid for by the federal government; and the one submitted by Stephen A. Douglas, which provided for an amendment to the Constitution that no amendment should be made to the Constitution which would “authorize or give to Congress the power to abolish or interfere within any State with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.”

A joint resolution covering Mr. Douglas's amendment was passed by Congress and submitted to the legislatures of the states, but it was ratified by only the legislatures of Ohio and Maryland.

Throughout the winter of 1860-61 there was a constant excitement in both houses of Congress, produced by the critical and perilous state of public affairs. The members of Congress from the South gradually resigned their seats, some of them making fervid secession speeches as they bade farewell to the halls of legislation.

On the 4th of March, 1861, Abraham Lincoln was inaugurated as the first Republican President of the United States. In his inaugural address Mr. Lincoln said :

“Apprehension seems to exist among the people of the Southern States that by the accession of a Republican administration their property and their peace and personal security are to be endangered. There never has been any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches when I declare that ‘I have no purpose, directly or indirectly, to interfere with the institution of slavery in the states where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.’ Those who nominated and elected me did so with full knowledge that I had made this and many similar declarations, and had never recanted them. And more than this, they placed in the platform for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read :

“‘*Resolved*, That the maintenance inviolate of the rights of the states, and especially the right of each State to order and control its own domestic institutions according to its judgment exclusively, is essential to the balance of power on which the perfection and endurance of our political fabric depend, and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes.’

“I now reiterate these sentiments ; and, in doing so, I only impress upon the public attention the most conclusive evidence of which the case is susceptible, that the property, peace, and security of no section are to be in any wise endangered by the now incoming administration. I add, too, that all the protection which, consistently with the Constitution and the laws, can be given, will be cheerfully given to all the states, when lawfully demanded, for whatever cause, as cheerfully to one section as to another.”

In considering the attempted disruption of the Federal Union,

Mr. Lincoln argued that the union of the states was perpetual, as follows :

“The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen states expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And, finally, in 1787, one of the declared objects for ordaining and establishing the Constitution was ‘to form a more perfect union.’ But if destruction of the Union by one, or by a part only, of the states, be lawfully possible, the Union is less perfect than before, the Constitution having lost the vital element of perpetuity. It follows, from these views, that no State, upon its own mere motion, can lawfully get out of the Union; that resolves and ordinances to that effect are legally void; and that acts of violence within any State or states against the authority of the United States are insurrectionary or revolutionary, according to circumstances.

“I therefore consider that, in view of the Constitution and the laws, the Union is unbroken, and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the states. Doing this I deem to be only a simple duty on my part; and I shall perform it, so far as practicable, unless my rightful masters, the American people, shall withhold the requisite means, or, in some authoritative manner, direct the contrary. I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it will constitutionally defend and maintain itself.”

Mr. Lincoln considered the question of secession at some length, and then closed his address thus :

“My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to hurry any of you in hot haste to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied still

have the old Constitution unimpaired and, on the sensitive point, the laws of your own framing under it; while the new administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied hold the right side in this dispute, there is still no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land are still competent to adjust in the best way all our present difficulty. In your hands, my dissatisfied fellow-countrymen, and not in mine, are the momentous issues of civil war. The government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in Heaven to destroy the government, while I shall have the most solemn one to 'preserve, protect, and defend' it.

"I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break, our bonds of affection. The mystic chords of memory, stretching from every battle-field and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature."

Within a few weeks after South Carolina had seceded Alabama, Florida, Georgia, Mississippi, Louisiana, and Texas had followed her example, and the seven states proceeded to establish a provisional government at Montgomery, Ala., with Jefferson Davis as President, and Alexander H. Stephens as Vice-President. The new government was entitled "The Confederate States of America." The states of Virginia, Arkansas, North Carolina, and Tennessee joined the new "Southern Confederacy" at a later period.

For some time before the inauguration of President Lincoln the Southern rebels had seized various federal property, such as forts, arsenals, custom-houses, navy-yards, etc., within the area of the new Confederacy; but these acts of war had produced little if any excitement in the country, and the federal government had practically ignored them. But when, on April 12, 1861, Fort Sumter in Charleston harbor was fired on by Con-



federate batteries adjacent to it, and had to surrender after a bombardment of thirty-two hours, the whole North was aroused to a high pitch of excitement. A call for 75,000 volunteers for three months' service in the South was made by President Lincoln, and an extra session of Congress was ordered. The federal government at once began to prepare to suppress the Southern rebellion, fully sustained by the people of the North.

The Civil War was begun, and for four years the North and the South were arrayed against each other in a tremendous struggle—a struggle which forever effaced from the national escutcheon the bar-sinister of slavery.

## CHAPTER XXVI

The United States in 1861.—The Thirty-seventh Congress a Distinguished Body.—Breckinridge's Secession Speeches.—Men and Measures to Carry on the War to Preserve the Union.—The Morrill Tariff.—Financial Matters.—A New System of Taxation.—National Banks.—The Mason and Slidell Affair.—Formation of the State of West Virginia.—The Homestead Bill.—Compensated Emancipation in the Border States.—Slavery Abolished in the District of Columbia.—Lincoln's Emancipation Proclamation.—The Thirteenth Amendment to the Constitution Prohibiting Slavery.

IN 1861, when the Civil War began, the United States had an area of 2,963,000 square miles, and was divided into thirty-four states and nine territories. There were nineteen free states and fifteen slave states. The free states were California, Connecticut, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, and Wisconsin; and the slave states were Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia. The territories were Utah, New Mexico, Nebraska, Washington, Colorado, Nevada, Dakota, Indian, and the District of Columbia. By the census of 1860 the country had a population of 31,443,790. In the free states and territories there were 19,128,418 people, and in the slave states there were 12,315,372. There were 4,000,000 negro slaves in the Southern States, valued at about \$2,000,000,000. Virginia alone had 490,887 slaves. The large cities were New York, with a population of 805,658; Philadelphia, with 565,529; Brooklyn, with 266,661; Baltimore, with 212,418; Boston, with 177,840; New Orleans, with 168,773; St. Louis, with 160,763, and Chicago, with 112,172.

The value of the real and personal property in the United States was sixteen thousand million dollars (\$16,102,934,116). The real property was valued at \$11,272,053,881, and the personal property at \$4,830,880,235. The public debt was nearly \$70,000,000.

The country had begun to recover from the disastrous industrial depression of 1857, and had apparently started on a new course of prosperity. The manufacturing sections were beginning to receive benefit from the protective tariff, introduced in Congress by Justin S. Morrill, of Vermont, who had served in the House of Representatives for six years. The Morrill Tariff had been enacted by Congress in January, 1861, and was intended to replace the low-revenue tariff of 1857, which had failed to provide sufficient revenue for the maintenance of the government. In the so-called "Border States" of Delaware, Maryland, Virginia, Kentucky, and Missouri the secession feeling was not so strong as in the far Southern States. For a time the conservatives of Virginia held her aloof from the "Southern Confederacy," but in June her people voted to join it. The other border states were kept in the Federal Union, one by military force and the others by the efforts of their leading men.

When the Thirty-seventh Congress began the extra session called by President Lincoln, at Washington, on July 4, 1861, it was confronted by the fact that eleven of the slave states were in rebellion against the government, and that there was a condition of public affairs compared with which all previous national troubles were as a summer cloud.

The city of Washington at this time was not a national capital to be proud of. It had a population of 61,000, and although it had had an existence of many years, it had never ceased to be a dreary, slovenly, unprogressive place, with all of the defects and few, if any, of the attractions of other Southern cities. The unfinished Capitol, conspicuous on a hill, the plain, classic White House, and some of the buildings occupied by the government departments were about all there was of architectural beauty in the city; while its unpaved, dusty streets, full of holes, its ill-kept parks and squares, its "huddles

of shanties," and its general appearance of stagnation made a most unfavorable impression on all who visited it. During the war the city became an immense receiving and forwarding depot for the Union armies in the field, and still further deteriorated year by year. A few years after the war Washington was aroused from its long lethargy, and by liberal expenditures of the government was speedily transformed, almost as if by magic, to a beautiful city with many attractions and promising much in the future.

The Thirty-seventh Congress, which enacted the first war measures, was a distinguished body. In both houses there were numerous able statesmen, some of whom had already attained great national fame, while others were just beginning what has proved a brilliant legislative career. Among the senators were Henry Wilson, William Pitt Fessenden, Benjamin F. Wade, Lot M. Morrill, Lyman Trumbull, Zachariah Chandler, Charles Sumner, John P. Hale, Jacob Collamer, Preston King, David Wilmot, James A. Bayard, James W. Grimes, John C. Breckinridge, Andrew Johnson, John Sherman, and Edward D. Baker. In the House of Representatives were Galusha A. Grow (who was chosen Speaker), Justin S. Morrill, Erastus Corning, Thaddeus Stevens, Francis P. Blair, Jr., Schuyler Colfax, Elihu B. Washburne, Henry L. Dawes, William P. Sheffield, Roscoe Conkling, Reuben E. Fenton, George H. Pendleton, Clement L. Vallandigham, Samuel S. Cox, John J. Crittenden, Samuel Shellabarger, William S. Holman, William Windom, Daniel W. Voorhees, John A. Logan, Owen Lovejoy, George W. Julian, John W. Crisfield, William D. Kelley, John A. Bingham, and Edward McPherson.

The Congress had a large Republican majority in both houses, and the Republicans soon received the name of the "War or Union party," because they readily favored all the measures thought necessary by the Lincoln administration for the proper conduct of the war for the preservation of the Union. Most of the Northern Democrats, especially those who were called "Douglas Democrats," also gave a hearty support to the war. They had accepted the dictum of Stephen A. Douglas that "there now could be but two parties, patriots

and traitors," and rarely failed to uphold the government in its efforts to crush the rebellion. The extremists of the party, however, frequently opposed the war measures on constitutional and other grounds, and sometimes displayed much bitterness in their opposition. All the border slave states except Virginia were represented both in the Senate and the House, and the members from these states often gave expression to treasonable sentiments, which caused angry feeling among the Union men.

One of the most frequent offenders in this way was John C. Breckinridge, who sat in the Senate from Kentucky. His State had refused to rebel against the government, but he was an ardent disciple of Calhoun and Davis, and at heart a secessionist. It was his custom to oppose every war measure that came up, and very often he would make sarcastic, ironical, vituperative speeches against the Union cause and the Union men. He gave the South all the aid he could while a Senator of the United States, and at the close of the extra session he entered the Confederate army as a major-general.

Mr. Breckinridge one day poured forth a flood of "words of brilliant, polished treason" in a speech in the Senate, and was very promptly rebuked by Senator Baker, the eloquent Oregon orator. Mr. Baker, after declaring that the speeches of the Senator from Kentucky, "sown broadcast over the land," were intended to disorganize and destroy the zeal of the Union men and to animate the Confederates, said in a very impressive manner:

"Tell me, sir, what would have been thought if, in another capitol, in another republic, in a yet more martial age, a senator as grave, not more eloquent or dignified than the Senator from Kentucky, yet with the Roman purple flowing over his shoulders, had risen in his place, surrounded with all the illustrations of the glory of imperial Rome, and declared that the cause of the advancing Hannibal was just, and that Carthage ought to be dealt with in terms of peace? What would have been thought, sir, and what would have been done, if, after the battle of Cannæ, a senator there had risen in his place, and denounced every levy of the Roman people, every expenditure

of its treasure, and every appeal to the old recollections and the old glory?"

Springing to his feet, Senator Fessenden, of Maine, ejaculated in thrilling tones, "He would have been hurled from the Tarpeian Rock!"

Mr. Baker repeated Mr. Fessenden's ejaculation, and then declared eloquently that it was a grand commentary on the Constitution of the United States that Mr. Breckinridge was permitted to utter the words he had in the Senate Chamber.

The first thing that Congress did was to provide men and means for carrying on the war. President Lincoln was immediately authorized to call into the military service half a million volunteers, the navy was increased, the Southern ports were declared closed to the world, immense sums of money were appropriated for the army and navy and for the purchase of war material, and acts were passed for the issue of Treasury notes and to punish conspiracy against the United States.

The Morrill Tariff, which had gone into operation on March 2, 1861, was in August and December of that year further increased in order to furnish a larger revenue to the government. In July, 1862, and in June, 1864, it was still further increased.

The new Treasury "demand notes," which Congress had authorized by the Act of July 17, 1861, to meet the requirements of the war, were for \$5 and \$10. They resembled bank-notes and were considered "as good as gold." There was an issue of \$50,000,000, all of which was speedily put in circulation. The notes were paid to the army and navy and to all the other creditors of the government, and were receivable for all public dues. Previous to this issue of Treasury notes the government had made other issues of paper money in 1812, in 1837, and in 1857 to meet serious deficiencies in the public revenues.

The paper money was further augmented by the issue of what is known as the "postage currency," which originated with General Francis E. Spinner, then the Treasurer of the United States. The government and the banks of the country had suspended specie payments on December 30, 1861, and thereby had caused a scarcity of small coin. General Spinner,

to remedy this serious inconvenience, and to put an end to the issue by private individuals and corporations of small notes commonly called "shinplasters," which had become an exceedingly great evil, made an arrangement with the Post-office Department to exchange postage-stamps that might be used in the place of small coin for new, unused stamps. His plan was to have the stamp or stamps attached to a small piece of paper. One stamp on the paper was to pass for five cents, two stamps for ten cents, and so on. The plan became very popular, and finally the Treasury had designs engraved for the postage or fractional currency, and issued many millions of dollars of these convenient small notes.

The famous "greenback," or "legal-tender note," made its appearance in the national finances in the early part of 1862, when Congress, upon the urgent request of Salmon P. Chase, Secretary of the Treasury, gave authority, by the Act of February 25th, for the issue of new Treasury notes to the amount of \$150,000,000. Subsequently other acts were passed, under which notes were issued to the additional amount of \$350,000,000. The notes were made legal tender for all debts, public and private. They were nicknamed "greenbacks" because their backs were printed in a new kind of bright-green ink which was used to make counterfeiting more difficult. When the bill authorizing the first issue of these legal-tender notes was before the House of Representatives, Thaddeus Stevens, in a speech advocating its passage, said that it was "a measure of necessity, not of choice." It provided in a quick manner ample means to redeem the \$50,000,000 of demand notes then in circulation, to pay the brave men fighting for the Union, and to meet the vast miscellaneous expenses of the government in carrying on the war.

It may be interesting to know that from February, 1862, to June, 1865, the government issued under the authority of the law Treasury notes, fractional currency, bonds, and other securities amounting to nearly \$4,000,000,000 dollars. In August, 1865, what was called the war-debt was computed at \$2,844,646,626.

In the bill which was passed by Congress and approved on

August 5, 1861, increasing the rates of the Morrill Tariff, there was a section levying a direct tax of \$20,000,000 on the several states and territories. This direct tax was levied for the purpose of procuring at once the necessary funds for prosecuting the war, as it was believed that the revenue from the increased tariff rates would come in slowly. The loyal states paid the sums demanded from them promptly into the United States Treasury, and the large amount of money thus obtained was used in equipping the army and navy. The border states paid a part of their tax levies, but, of course, nothing could be collected in the states in rebellion. At a later period, however, when the federal troops had gained lodgment in some of these states, the military authorities were able to make collections.

A cotton tax was also levied in 1863, and was continued until 1868, which was the earliest date at which it could be dispensed with. The tax was levied on raw cotton wherever it could be found, both North and South, and it gained for the government the enormous sum of \$68,000,000.

An elaborate system of internal revenue, which was a prominent part of the war taxation, was established in 1863. By this system taxes were laid on all domestic manufactures, on the various trades and occupations, on sales, legacies, etc. A tax of three per cent. on incomes over \$600 was a part of the system. The income-tax was in force for ten years, and produced in all \$346,911,760. The largest amount collected in any one year was \$72,982,159, in 1866. The yearly average was about \$40,000,000.

Upon the recommendation of the Secretary of the Treasury, Congress authorized the organization of national banks throughout the country for the purpose of providing a safe and uniform national currency outside of the issue of Treasury notes. The National Bank Act was passed in February, 1863, and provided for the organization of national banks by not less than five persons. The banks thus organized were required to have their capital stock fully paid up, and to deposit government bonds in the United States Treasury at Washington to secure their circulating notes, which were guaranteed by the government. Each bank was authorized to issue notes up to



ninety per cent. of the value of the government bonds deposited. The total issue of notes under the act was limited to \$300,000,000, but the limit was extended in 1870 to \$354,000,000. In 1875 all restriction upon the issue of notes was removed. During the war there were about five hundred national banks in the country, but since then the system has been greatly extended, having proved very satisfactory.

The Lincoln administration had found a demoralized condition of things at the capital city when it had entered into possession of the government. In order that the federal forces should not be immediately available the previous administration had stationed the greater part of the army in the far West and the navy in foreign waters. The Treasury was nearly empty, the departments were disorganized and filled with traitors, and throughout the city of Washington there was treason rather than loyalty. It was feared that the city would be attacked and captured by the Confederates before a sufficient force could be gathered for its defence; but the ready response of the great patriotic North to the demand for troops soon put an end to these fears, and the stupendous energy and sagacity of the executive officers in securing a new and loyal working force for the departments speedily placed the government upon a firm footing, and enabled it to begin in earnest the work of crushing the slave-holders' rebellion.

In an address to the Confederate Congress in March, 1861, Jefferson Davis had said that "all we ask is to be let alone"; but the "let alone" policy was not for one moment considered by the masses of the Northern people, who demanded of the government that the rebels should be brought back to their allegiance and the Union preserved at any cost.

In the first part of the war Secretary of State William H. Seward exhibited diplomatic sagacity in avoiding what promised to be a serious complication with England and France. These countries had recognized the Confederates as belligerents, and England especially had given much aid to the South, by allowing cruisers and blockade-runners to be fitted out and to discharge their cargoes at her ports. The Confederate gov-

ernment appointed James M. Mason to be Commissioner to England, and John Slidell to be Commissioner to France. The commissioners, who were well-known Southern statesmen, managed to leave the port of Charleston in a blockade-runner and arrived safely at Havana. Here they took passage in the *Trent*, a British mail-steamer bound for England. On November 8, 1861, the *Trent* was overhauled at sea by the United States war-ship *San Jacinto*, in command of Captain Wilkes, and Mason and Slidell were taken prisoners of war and incarcerated in Fort Warren in Boston harbor.

The affair caused a great excitement in this country and in England. The people of the North heartily approved of Captain Wilkes's unauthorized act, and when England demanded the release of Mason and Slidell, were not disposed to have the government accede to the demand. England threatened war if the captured Southerners were not given up, and actually began preparations for it. The matter was carefully considered by Secretary Seward, who finally decided that it would be better under the circumstances to release the prisoners, and apologize to England for the detention and search of the *Trent*. Mr. Seward reasoned that, as we had fought England in 1812 upon this very question of the right of search of neutral vessels during a war, and had not entirely succeeded in establishing the unsubstantiality of her claim to that right, it would not be politic for us to assume the false position she had taken then, and so have to reverse and forever abandon our cherished policy. Although he disliked to have it appear that the United States had yielded to the war threats of England, yet as she would be fully committed by the *Trent* affair to the American doctrine relating to the rights of neutral ships, and as she would be prevented from taking sides openly with the South—which she would doubtless have done if she had assumed a warlike attitude towards the North—he thought it wiser to submit to her demand than to resist it.

The Northern people were rather disposed at first to resent this ending of the exciting event, but upon sober second thought concluded that Mr. Seward had decided sagaciously. President Lincoln had left the matter almost entirely to the

judgment of Mr. Seward, and he fully approved of the decision of his Secretary of State. He quaintly said, "One war at a time is enough."

When the State of Virginia joined the Southern Confederacy the people of forty-eight counties in the western part of the "Old Dominion" remained loyal to the federal government and refused to leave the Union. They would not recognize the right of the State to secede, and said that the so-called vote of the people for secession was nothing but a farce and sham. They declared that the majority of the people everywhere in Virginia were against leaving the Union, but that a few leaders who desired high political office under the new government had managed the matter with consummate skill, and had succeeded in obtaining a large vote for secession in various artful ways. They had prevented those opposed to it from expressing their views as freely as they desired, and, in consequence, many of them had refrained from casting their votes at the time designated. The loyal people set up a State organization of their own, claiming that they had a right to do so because the persons who had hitherto exercised the functions of the State government had rebelled against the national authority. A legislature was established, and this body claimed to be the true Legislature of Virginia. It authorized the formation of a new State within the State of Virginia, to be called Kanawha, which name was subsequently changed to West Virginia.

At a convention of the people a constitution for the State of West Virginia was framed, and at a general election it was adopted, and application was made to Congress for the admission of the new State into the Union. There was no objection of any consequence to the admission of the new State, and in 1862 it was admitted. Its constitution provided that the children of slaves born within the limits of the State after July, 1863, should be free, and that no slave should be permitted to come into the State for permanent residence. It was also provided that all slaves within the State under the age of ten years should be free when they had arrived at the age of twenty-one; and all slaves over ten and under twenty-one

should be free when they had arrived at the age of twenty-five years.

Turning aside for a while from the consideration of measures pertaining to the conduct of the great war then waging on Southern soil, Congress took up the Homestead Bill, which had been defeated in the Thirty-sixth Congress by the veto of President Buchanan. The bill provided for a liberal disposition of the public lands to actual settlers. It had met with opposition in previous Congresses from the statesmen of the South—largely, it was believed, because of a fear that it would cause a tide of emigration to the Northwest, which would result in the making of more free states out of that expansive region. The bill was finally passed in 1862.

It was clearly the original intention of the federal government to suppress the rebellion without interfering with slavery. The war was begun to preserve the Union, and for no other purpose whatever. But from the outset of the national struggle the slavery question became a prominent one from sheer force of circumstances. Fugitive slaves entered the Union lines in Virginia and elsewhere by thousands, and became a source of great embarrassment to the military authorities. In some sections the slaves would leave their homes almost in a body when the Union armies approached, and would follow the troops day by day, trusting to luck for food and shelter. They could not be driven away, and finally were set at work in various ways, and no further attempt was made to prevent their following the armies as they moved to and fro in the Southern States. General Benjamin F. Butler declared that the slaves who entered his lines in Virginia were "contraband of war" and therefore were liable to confiscation. General John C. Frémont, in command in Missouri, issued an order freeing all the slaves in that State belonging to rebel masters, but the order was annulled by President Lincoln.

The President was not willing then to sanction so radical an act as Frémont's, but he declared a little later that if the war should continue long slavery would be likely to be extinguished by "the mere friction and abrasion" of the contest.

A proposition for the gradual abolition of slavery in the border states on the basis of compensation to the slave-holders was discussed in Congress for some months. What was designated "compensated emancipation" had been first brought up in the Thirty-sixth Congress in February, 1861, by James B. McKean, of New York, who had introduced a resolution in the House of Representatives for the appointment of a special committee "to inquire whether by consent of the people, or by the State governments, or by compensating the slave-holders it be practicable for the general government to procure the emancipation of the slaves in some or all of the border states, and if so to report a bill for that purpose." The resolution was not acted upon. On March 2, 1862, President Lincoln sent a special message to Congress recommending the passage of a joint resolution "that the United States ought to co-operate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid, to be used by such State in its discretion, to compensate it for the inconvenience, public and private, produced by such change of system." The joint resolution was passed by a vote of 32 to 10 in the Senate, and by 97 to 36 in the House. In both houses most of the Democrats voted against the resolution.

The President was deeply interested in gradual compensated emancipation, as he believed that it would tend to shorten the war and save thousands of lives and a vast expenditure of money. He invited the Senators and Representatives from the border states to meet him at the White House to discuss the matter. In an address to them he said:

"I intend no reproach or complaint when I assure you that, in my opinion, if you had all voted for the resolution in the gradual-emancipation message of last March, the war would now be substantially ended. And the plan therein proposed is as yet one of the most potent and swift means of ending it. Let the states which are in rebellion see definitely and certainly that in no event will the states you represent ever join the Confederacy, and they cannot much longer maintain the contest. But you cannot divest them of their hope to ultimately have you with them so long as you show a determina-

tion to perpetuate the institution within your own states. Beat them at elections, as you have overwhelmingly done, and, nothing daunted, they still claim you as their own. You and I know what the lever of their power is. Break that lever before their faces, and they can shake you no more forever."

The President said that the progress of the war had already lessened the value of the slaves, and that it was likely slavery would finally disappear. He continued :

"Much of its value is gone already. How much better for you and for your people to take the step which at once shortens the war and secures substantial compensation for that which is sure to be wholly lost in any other event. How much better to thus save the money which else we sink forever in the war. How much better to do it while we can, lest the war ere long render us pecuniarily unable to do it. How much better for you as seller, and the nation as buyer, to sell out and buy out that without which the war could never have been, than to sink both the thing to be sold and the price of it in cutting one another's throats."

The representatives of the border states, in responding to the President, declared their devotion to the Constitution and the Union, and their belief that the war waged by the government was a just one. As to the resolution concerning a plan of compensated emancipation, they said that sufficient time had not been given them to consider so important a change in their social system, as the resolution had been hurried through Congress. It seemed to them "like an interference by the government with a question which peculiarly and exclusively belonged to our respective states, on which they had not sought advice or solicited aid." They said :

"It seemed to us that this resolution was but the announcement of a sentiment which could not or was not likely to be reduced to an actual tangible proposition. No movement was then made to provide and appropriate the funds required to carry it into effect, and we were not encouraged to believe that funds would be provided. And our belief has been fully justified by subsequent events. Not to mention other circumstances, it is quite sufficient for our purpose to bring to your

notice the fact that, while this resolution was under consideration in the Senate, our colleague, the Senator from Kentucky, moved an amendment appropriating \$500,000 to the object therein designated, and it was voted down with great unanimity. What confidence, then, could we reasonably feel that if we committed ourselves to the policy proposed, our constituents would reap the fruits of the promise held out; and on what ground could we, as fair men, approach them and challenge their support?"

After reciting their constitutional right to cherish or abolish the institution of slavery as their tastes or their interests might prompt, they added:

"If Congress, by proper and necessary legislation, shall provide sufficient funds and place them at your disposal, to be applied by you to the payment of any of our states or the citizens thereof who shall adopt the abolishment of slavery, either gradual or immediate, as they may determine, and the expense of deportation and colonization of the liberated slaves, then will our states and people take this proposition into careful consideration, for such decision as in their judgment is demanded by their interest, their honor, and their duty to the whole country."

While Congress was discussing in a half-hearted way the question of compensated emancipation in the border states, the advocates of emancipation in the District of Columbia, who had zealously striven for years to effect their purpose, were at last rewarded for their brave, patient labor. In December, 1861, Henry Wilson introduced in the Senate an act to free "all persons held to labor or service within the District of Columbia by reason of African descent," and after a prolonged and rather turbulent debate the act was passed on April 3, 1862, by a vote of 29 to 6. A few days later the House passed the act without serious opposition by a vote of 92 to 38, and on the 16th of April it was signed by President Lincoln and became a law. When the President announced to Congress that he had signed the act, he said: "I have never doubted the constitutional power of Congress to abolish slavery in the District of Columbia."

The Emancipation Act provided that all slaves in the District of Columbia should "be discharged and freed" on and after the passage of the act, and that slavery should cease to exist in the District. As compensation to the owners of the slaves, an appropriation of \$1,000,000 was made. The President was authorized to appoint three commissioners to make an appraisement of the slaves, and the commissioners were directed not to pay more than \$300 for any one slave. Nine months were allowed in which to settle the matter.

The commissioners held sessions in the District Court-house in Washington, where every day the slave-holders went with their troops of slaves—men and women, old and young, and even babes in arms—to have them appraised. Each slaveholder was required to take an oath of allegiance to the federal government, and also to swear that he had not participated in the rebellion. The slaves were carefully examined by an expert slave-dealer, and it is stated "he made them open their mouths in order that he might see their teeth, as he considered sound teeth an indication of sound health." The sessions were attended by crowds of citizens of Washington, who found them enjoyable, as the liberated slaves were naturally very jubilant, and, after the manner of the Southern negro, gave vent to their feelings in rollicking songs and dances and comical speeches, which caused roars of laughter.

The entire compensation allowed was \$914,942, which paid for 3989 slaves. The commissioners refused to pay for 101 slaves because they were too old to be worth anything. The largest amount paid to a slave-holder was \$17,791 for sixty-nine slaves. The smallest amount paid for a single slave was \$10, for a baby a little more than a year old.

Shortly after the Thirty-seventh Congress had enacted the abolishment of slavery in the District of Columbia, it passed an act emancipating all the slaves in the territories, thus making "freedom national and slavery sectional." The Congress also enacted that all slaves of persons engaged in rebellion against the United States who should escape from their masters and enter the army lines should be "forever free of their servitude and not again be held as slaves;" and army offi-



cers were prohibited, under penalty of dismissal from the service, from returning fugitive slaves. These acts were deemed necessary as war measures.

The use of colored troops was now authorized, and tens of thousands of former slaves were enlisted in the army and organized as regiments, proving to be brave and efficient soldiers. The Confederate government also began the use of slaves for military purposes.

As a practical war measure, President Lincoln, on the 22d of September, 1862, proclaimed :

“That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State, or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforth, and forever free; and the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any effort they may make for their actual freedom.

“That the executive will, on the first day of January aforesaid, by proclamation, designate the states and parts of states, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States, by members chosen thereto at elections wherein a majority of the qualified voters of such states shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not in rebellion against the United States.”

As the rebellious states did not return to their allegiance by the time designated, the President, on January 1, 1863, issued a proclamation of emancipation. He named the states and parts of states then in rebellion, and proclaimed that in those all persons held as slaves “are, and henceforward shall be, free.” He enjoined upon “the people so declared to be free to abstain from all acts of violence, unless in necessary self-

defence," and recommended to them that, "in all cases when allowed, they labor faithfully for reasonable wages." Upon the Act of Emancipation, which he "sincerely believed to be an act of justice, warranted by the Constitution upon military necessity," he invoked "the considerate judgment of mankind and the gracious favor of Almighty God." \*

Emancipation as a war measure was heartily approved of by the Northern people, and the decision of the President to strike at the cause of the national trouble gave them new vigor and hope in their efforts to preserve the Union. The governors of the loyal states sent an address to the President indorsing his proclamation, and stating their belief that "the policy now inaugurated will be crowned with success, will give speedy and triumphant victories over our enemies, and secure to this nation and this people the blessing and favor of Almighty God."

The border states, perceiving that slavery was indeed doomed to destruction, brought up again the scheme of compensated emancipation. Not being in rebellion, they were, of course, exempted from the emancipation decree, and were desirous now of securing payment for their slaves before it was too late. A movement to this end was begun; but it lacked capable leaders, and came to nothing.

In order to abolish slavery throughout the United States it was necessary to have an amendment to the Constitution. Public sentiment in all parts of the North demanded that Congress should act upon this amendment. On January 11, 1864, Senator Edwin D. Morgan, of New York, introduced in the Senate a joint resolution proposing an amendment that "slavery shall not exist in the United States." A few weeks later Senator Sumner introduced another joint resolution proposing an amendment that "everywhere within the limits of the United States, and every State and Territory thereof, all persons are equal before the law, so that no person can hold another as a slave."

The matter was duly considered, and finally a joint resolution for an amendment was passed by the Senate on April 8,

\* For the full text of the Emancipation Proclamation, see Appendix E.

1864, by a vote of 38 to 6. The amendment declared that "neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

The amendment failed of passage in the House of Representatives that session, but in the next session, on January 31, 1865, it succeeded in obtaining the necessary two-thirds majority, passing by a vote of 119 to 56. While the clerk was calling the roll there was breathless attention on the part of the Representatives and of hundreds of persons crowded into the galleries of the House, and when the result was announced by the Speaker a scene of great excitement ensued. Men and women rose to their feet wild with enthusiasm. They shouted, waved hats and handkerchiefs, sang snatches of the rousing songs of the war, and for a long time it was impossible to restore order. The joy of the people was unbounded that Congress had at last performed the great work of destroying slavery.

The next night a vast multitude of the residents of Washington, black and white, assembled at the White House to pay their respects to President Lincoln as the emancipator of 4,000,000 bondsmen. The President made a speech, in which he said: "At last the great job is ended! I cannot but congratulate all present to-night, myself, the country, and the entire world upon this magnificent moral victory. . . . So ends this job!"

The Thirteenth Amendment was ratified by the legislatures of twenty-seven states, and on December 18, 1865, Secretary of State Seward proclaimed that it was a part of the Constitution of the United States. Thus slavery ceased to exist, and the country became in reality the land of the free.

## CHAPTER XXVII

Continuation of the War.—Re-election of President Lincoln.—His Second Inaugural Address.—The Freedmen's Bureau.—Return of Peace.—Assassination of Lincoln.—Reconstruction of the Southern States.—President Johnson's Plan.—The Civil Rights Bill.—Warfare between the President and Congress.—Reconstruction Theories.—The Reconstruction Measure of Congress.—Purchase of Alaska.—Reason for its Purchase.—Eminent Statesmen.

THE war to preserve the Union, which so clear-sighted a statesman as Seward had declared would be finished inside of three months, had now lasted for more than three years. It had caused an enormous loss of life on both sides, and an expenditure of thousands of millions of dollars. It had proved to be the greatest civil war ever known in modern times, and its immense armies, singular campaigns, and hard-fought battles were the theme of study and discussion throughout the world. It had developed remarkable heroism and prowess in both the contending forces, and an intense love of the Constitution and the Union on one side, and an intense love of the "cause of the South," as it was designated, on the other. The contest had produced in the people both of the North and the South, regardless of victory or defeat, a strong feeling of pride in the superb fighting quality, the endurance of hardships, the steady persistency under difficulty of the American soldier, and the Blue and the Gray alike came in for praise.

Neither side in this terrible contention had won greater distinction in anything which was born of intrepidity; neither side had been the abler in the field. It had been a fierce, destructive warfare of kinsmen equally endowed with pluck, with faith in the justice and ultimate triumph of the struggle, and with intellectual strength. The North had the greater material resources, and in a strife of the peculiar nature of this one,

its success, under ordinary circumstances, should surely come. It had destroyed the institution of slavery, which for so many years had been a curse and a menace to the country, and had destroyed it, too, in a legitimate, constitutional way. In this destruction it had been more than recompensed for the expenditure of the war.

In 1864 President Lincoln was again placed at the head of the Republican ticket, and was re-elected to the high office which he had filled during the trying period of war with extraordinary ability, and in which he had won the respect and esteem of the Northern people. Andrew Johnson, of Tennessee, who had gained a national reputation by his well-directed efforts in behalf of the Union cause, was elected Vice-President. The Republicans in their platform pledged themselves fully to support the government in its efforts to quell the rebellion, and gave entire approval to its determination not to compromise with rebels, nor to offer them any terms of peace except such as might be based on unconditional surrender. The Republican ticket carried twenty-two states, with an electoral vote of 212. The popular vote was 2,216,067.

The Democrats went into the presidential campaign with the declaration that it was "the sense of the American people that after four years of failure to restore the Union by the experiment of war," that the public welfare demanded that "immediate efforts be made for a cessation of hostilities, with a view to an ultimate convention of all the states, or other peaceable means, to the end that, at the earliest practicable moment, peace may be restored on the basis of the federal union of all the states." General George B. McClellan, of New Jersey, was their candidate for President, and George H. Pendleton, of Ohio, their candidate for Vice-President. The Democratic ticket received a popular vote of 1,808,725, but it carried only three states (New Jersey, Delaware, and Kentucky), with an electoral vote of 21. At this election the soldiers in the Union armies were allowed to vote.

President Lincoln in his second inaugural address said, in reference to the great contest which still absorbed the attention and engrossed the energies of the nation:

“On the occasion corresponding to this, four years ago, all thoughts were anxiously directed to an impending civil war. All dreaded it—all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war—seeking to dissolve the Union and divide effects by negotiation. Both parties deprecated war, but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish. And the war came.

“One-eighth of the whole population were colored slaves—not distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was, somehow, the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union, even by war; while the government claimed the right to do no more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease when or even before the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God’s assistance in wringing their bread from the sweat of other men’s faces, but let us judge not, that we be not judged. The prayer of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. ‘Woe unto the world because of offences! for it must needs be that offences come; but woe to that man by whom the offence cometh!’ If we shall suppose that American slavery is one of those offences which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offence came, shall we discern therein any departure from those divine

attributes which the believers in a living God always ascribe to Him?

“Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet if God wills that it continue until all the wealth piled by the bondsman’s two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said that ‘the judgments of the Lord are true and righteous altogether.’

“With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation’s wounds, to care for him who shall have borne the battle, and for his widow and his orphans, to do all which may achieve a just and lasting peace among ourselves and with all nations.”

The emancipated slaves in those parts of the South occupied by the Union armies speedily became a severe encumbrance to the government, and it was found necessary to arrange a practical system of relief. The poor, helpless slaves, some of whom were old and feeble, could not at once take care of themselves, and were compelled to ask for assistance for a while from the hand that had given them freedom. Some had remained on the plantations whence the whites had fled, getting a living as best they could, but the greater number had followed the armies.

At length, as a temporary measure, the government organized the freedmen into huge camps, mostly in Virginia, and regularly supplied them with food and clothing in return for what labor they could do in small ways. They could not be allowed to suffer, and any method of relief was better than none. In March, 1865, Congress passed the Freedmen’s Bureau Bill, which placed the freedmen in charge of the War Department. Under this bill a competent system was devised for the maintenance and education of the freed colored people. The abandoned or confiscated lands throughout the South were divided into forty-acre farms, and the freedmen

were allotted to them for a period of three years, and encouraged to become self-supporting. At the expiration of the term they could buy their farms at low prices and on easy payments. The bureau was in charge of General Oliver O. Howard, and was continued in its relief and supervisory form until January 1, 1869. Its educational features were continued for eighteen months longer. It was of great benefit to the Southern negroes, and although its means and powers were abused in some cases, it was in the main ably and honestly conducted.

In the spring of 1865 the Union army, commanded by General Grant, captured the city of Richmond, and a few days later, on the 9th of April, the Virginia army, under General Lee, was forced to surrender to Grant at Appomattox Courthouse. Within a short time afterwards the other Confederate armies surrendered. The war was finished with victory for the federal government, and in the fiery furnace of this tremendous conflict was forever consumed the doctrine of nullification and of secession. It was established beyond all question that this is a nation and not a mere alliance of sovereign states—a nation with paramount power and authority.

All of the public and most of the private buildings in Washington were splendidly illuminated on the night of the 11th of April, 1865, in celebration of the close of the war. Bands of music poured forth patriotic airs, and everybody was jubilant. Thousands of people gathered at the White House, and enthusiastically called for a speech from President Lincoln. The great emancipator, happy at the fortunate turn of events, willingly responded, and made a short address in which he congratulated the country on the return of peace, and warmly praised the Union soldiers for the gallant work they had done. He referred to his second term as President, and expressed himself as glad that at the beginning of it the onerous burden of war had been rolled from his shoulders, and he prayed that wisdom might be given him in his efforts to guide the country once more into the paths of peace.

Three nights later, Abraham Lincoln, while seeking relief from the cares of office by the enjoyment of a play at a Washington theatre, was shot by John Wilkes Booth, and died early the



following morning. The assassin was the son of the great actor, Junius Brutus Booth, and was himself an actor of remarkable power. He was an ardent secessionist, and, ever eccentric like his father, had become morbid by brooding over the failure of the Southern cause. He planned a conspiracy to kill the President and the members of his Cabinet "to avenge the South," as he declared. Stealthily entering the box at the theatre where the President sat intently enjoying the play, Booth placed a pistol at Lincoln's head and fired the fatal shot. Then jumping from the box to the stage, he shouted, "*Sic semper tyrannis!*" and disappeared behind the scenes. Before he could be seized he had reached the street, and, mounting a fleet horse, rode across the Anacostia River into Maryland. For nearly two weeks he eluded capture, but at length was traced to a barn near Port Royal, Va., where he was shot to death upon refusing to surrender. Some of his associates in the conspiracy attempted to assassinate Secretary Seward, but failed to do more than seriously wound him. Four of the conspirators were executed, and the others were imprisoned.

The assassination of President Lincoln produced intense excitement everywhere in the country, and in all the towns and cities of the North the jubilation over the end of the war was straightway changed to mourning. The Northern people, regardless of party, were grief-stricken at the terrible calamity, and in public and private ways expressed their profound sorrow at the loss of the great and good President. There was some alarm and consternation at first, but Vice-President Johnson was immediately sworn into office as President, and the affairs of the government were not allowed to get into confusion.

Some attempt at re-establishing loyal State governments in the South had been made by Mr. Lincoln. He had promulgated his ideas on the subject in a message to Congress, had issued a proclamation offering pardon to the rebels under specified conditions, and had aided and sustained the new governments which had been organized in Virginia, Tennessee, Arkansas, and Louisiana. But to his successor came all the trials and tribulations arising out of the difficult work of reconstruct-

ing the states lately in rebellion — of changing the rebel slave states to Union free states.

President Johnson was what was called “a war Democrat”—that is, he had supported the Union cause without reserve or qualification. He had been at first a Southern Senator entirely loyal to the federal government, and later the military Governor of Tennessee. Throughout the war no man had been more patriotic than he—no man more devoted, more faithful to the national interests. He had been placed on the Republican presidential ticket as a shining example of a loyal Southerner, and because he had really earned distinction at the hands of the party that he had constantly sustained in the critical war-period. He construed the Constitution strictly, and after the Jeffersonian method, and did not believe that there was any authority in the federal government to punish a State even for rebellion. As the Constitution did not provide any way by which a State that had renounced its allegiance to the national authority could return to it, he was in favor of throwing “the doors of the nation wide open,” so that the Southern States could come back to the Union whenever they pleased. When these states had changed their constitutions so as to abolish slavery, and had conformed to certain minor conditions, he held that they had done all that the federal government had any right to ask them to do. He believed that the leaders of the rebellion could be punished for treason, and prevented from ever again becoming citizens of the United States; but he scouted the idea that a State could be hindered and restricted when it desired readmission to the Union.

The President began immediately to carry out his reconstruction policy. He proclaimed the Southern ports open to the world, and extended a general pardon to all the rebels, except certain classes that were required to make special application for pardon and to take an “iron-clad” oath of allegiance. He appointed provisional governors in the Southern states to give assistance in the reorganization, and in other ways promoted a speedy return of “the erring sisters” to the national household.

To secure the rights of the freedmen in the South, which

seemed to be continually violated, Congress, in March, 1866, enacted the Civil Rights Bill, which made the negro a citizen of the United States, and gave him the same rights as the white man. The bill was vetoed by President Johnson, but Congress, having an enormous Republican majority, easily passed the bill over the veto. The principle was afterwards incorporated in the fourteenth and fifteenth amendments to the Constitution of the United States.

The new governments formed in the Southern States, under the conditions proclaimed by President Johnson, were not satisfactory to Congress, and it refused to admit their Senators and Representatives. The attitude of Congress angered the President, and he rather injudiciously took occasion to express his contempt for the legislative body.

The Republicans did not favor the easy plan of reconstruction put in operation by the President. Thaddeus Stevens held that Congress alone could make the terms of readmission of the seceded states to the Federal Union. His theory was that serious resistance by a State to the Constitution of the United States caused the Constitution to be entirely suspended so far as that State was concerned, and that Congress must decide when the resistance had ended and when the Constitution should be resumed. Charles Sumner held very nearly the same view of reconstruction. He reasoned that each rebellious State had in reality lost its statehood—had committed political suicide—by the act of rebellion, and therefore was nothing more than a Territory, to be governed as Congress governed the other territories.

The position taken by the Democrats in this matter was similar to that taken by President Johnson. They held that with the close of the rebellion the eleven states engaged in it were entitled to the same rights and privileges under the Constitution that the states had that had not rebelled. As the federal government had declared that no State could leave the Union, and had fought the war to a successful conclusion upon that declaration, it followed, they reasoned, that the rebellious states had never left the Union, and should now be reinstated upon that basis.

The feeling among the Republicans, that the Southern States should be within the control of the national authority until the new order of things had been fully established, had arisen largely from the fact that as soon as each State had been reorganized, it had enacted laws bearing severely on the freed colored people. In the form of codes pertaining to labor contracts, vagrancy, etc., the negro was almost re-enslaved in some of the states. It was felt that the South could not be trusted to do justice to the negro in his new condition of life, and that national supervision was absolutely necessary.

The Southern States wanted to be readmitted to the Union without allowing the colored people to vote, but the general sentiment in the North was against reconstruction unless suffrage were granted to the freedmen. They had been made citizens by the Civil Rights Bill, and the demand was that the citizenship should be completed by suffrage. The negroes had been loyal as a class, and thousands of them had served in the Union armies; and it was thought it would be a great wrong to leave them now unprotected by the ballot to the disposition of the white people of the South.

Finally, in March, 1867, Congress passed a reconstruction measure, despite the President's veto. It was declared in the measure that the governments then existing in the Southern States were not legal State governments, and it was provided that the states should be divided into military districts, each of which was to be in charge of a brigadier-general, whose duty it was to protect the rights of all persons, black or white. The military governors were required to make a registration of the people, and to call conventions, to be made up of delegates chosen at elections where there was negro suffrage, and these conventions were to form State constitutions under certain conditions. When a State had been organized under a constitution thus formed, it could apply for readmission to the Union, and if the organization were satisfactory to Congress it was to be readmitted. It was under this measure that the reconstruction of the South was eventually accomplished, but not, however, without considerable difficulty.

In 1867 the United States once more extended its national territory by purchasing from the Russian government, for \$7,200,000, the almost unknown country called Alaska, which lies in the extreme northwestern part of the American Continent. The country has an area of 577,390 square miles. Since New Mexico and Upper California had been acquired in 1848, as the result of the Mexican War, there had been before the purchase of Alaska only one other territorial acquisition—that known as the Gadsden Purchase, in 1853. This purchase included a certain territory in New Mexico and what is now Arizona, south of the Gila River, which Mexico claimed was not a part of the region embraced in the Treaty of Guadalupe Hidalgo. Mexican troops had been sent to occupy the disputed territory. By the diplomacy of General James Gadsden, the American Minister to Mexico, a treaty was negotiated, and for \$10,000,000 the United States became possessed of the region, which contained 45,535 square miles.

The purchase of Alaska is believed to have been made, not to obtain more territory, but for the purpose of paying a war debt to Russia contracted by President Lincoln and Secretary Seward. At one time during the latter part of the war England and France, which had hitherto aided the South in numerous ways, were thought to have decided to make an attempt to break the blockade of the Southern ports, in order that supplies from those countries might be sold to the rebels and enormous profits made. The intention was, it is understood, to station a fleet of English and French war ships along the Atlantic coast on some claim of international right, and to interfere with our cruisers when they attempted to prevent blockade-runners from getting in and out of the rebel ports. At this juncture Russia came to our assistance, at the earnest request of the Department of State. One day a splendid fleet of Russian war ships sailed into the harbor of New York, much to the surprise of the American public, and remained for several weeks. The fleet made an imposing appearance, as all the vessels were large, finely equipped, and manned by the best sailors in the Russian navy. Thousands of visitors were entertained on the vessels in a most lavish manner. The fleet departed as

mysteriously as it had come, and no one apparently knew the object of its visit. England and France knew, however, and this naval display on the part of the Russian government forced them to give up their scheme to break the blockade.

The question of the compensation of Russia for her opportunity and most valuable assistance now came up. President Lincoln had used his war powers freely, and everything he had done Congress had approved of; but it was necessary to give a large compensation to Russia, and he feared that the payment would be criticised, although the debt was wisely contracted. It was suggested by the Russian War Office that the purchase of Alaska for a round sum would be considered a payment of the obligation. While the matter was under consideration the war ended, President Lincoln was killed, and Secretary Seward was seriously injured. For two years the Alaska purchase was allowed to rest, but finally Congress agreed to it, those not in the secret making some opposition to the purchase of territory which the United States did not seem to need.

The momentous, passionate, and trying period of the war and reconstruction brought into service in Congress a large body of able statesmen. Much was required of them during the stirring, complicated years of war, and the troublous years that followed the dreadful conflict; and if in some cases there was a conspicuous failure to meet the requirements, it is not to be wondered at under the circumstances. The Republicans were in a large majority in both houses of Congress throughout this period, and their leaders were naturally the most prominent in all the important legislative work.

One of these leaders was Thaddeus Stevens, a Representative from Pennsylvania. He was threescore years and ten, a cripple, stricken with disease, and at times suffering excruciating pains; but he was ever foremost in the debates on the great measures, and led the House of Representatives with a bold, skilful hand, displaying a superior statesmanship and an unflinching patriotic spirit. Mr. Stevens was born in Vermont in 1792, and, after graduating from Dartmouth College, settled in Pennsylvania, and within a few years became one of her lead-

ing lawyers. He was prominent in State politics, and was elected to Congress in 1848, and served until 1853. For six years he attended to his private affairs, and in 1859 re-entered Congress, and remained a member of the House until his death at Washington in 1868. Originally a Whig, he became a Republican as soon as the party was formed. He hated slavery and was always the true friend of the slave, and for years assiduously strove to demolish the pernicious system of bondage. Genial, liberal, pleasing in his conversation, the master of quick-witted speech, and a man of untiring energy, he was a power in Congress second to none.

Henry Wilson was another distinguished Republican. He was born in New Hampshire in 1812. His parents were poor people who were unable to give him educational advantages, but he had a genuine thirst for knowledge and carefully studied all the books he could obtain, and succeeded after a time in securing an education which fitted him for a prominent career. When he was eighteen years old he had his name changed by the legislature, for family reasons, from Jeremiah Jones Colbath to Henry Wilson. He moved to Natick, Mass., and became a shoemaker, and while working at his trade entered political life. He was known as the "Learned Shoemaker." In 1840 he was elected to the Massachusetts Legislature, and rapidly made a name as an orator and politician. He was chosen to Congress as Senator in 1855, and continued in the Senate until he was elected Vice-President of the United States in 1872.

Mr. Wilson was a very impressive orator. He was graceful, earnest, convincing. His speeches were usually made after a profound study of the subject under consideration, and commanded much attention, both in the Senate and elsewhere. He was an ardent antislavery man, and wrote the act which abolished slavery in the District of Columbia.

Among the Republican leaders was Simon Cameron, who was born in Pennsylvania in 1799. From early youth he had made his own way in the world, had acquired wealth and position, and a reputation as a statesman of marked ability. Beginning his career as a printer and editor, he subsequently became a banker and railroad magnate. He entered actively into the

political affairs of the Keystone State, and eventually attained to the leadership of the Democratic party there. In 1845 he was elected to the United States Senate as a Democrat, but changed his politics after the repeal of the Missouri Compromise. As a Republican he entered the Senate again in 1857, and served as a Senator until he was appointed Secretary of War in Lincoln's Cabinet in 1861. Resigning from the War Department after a short term, he went to Russia as Minister of the United States. He was re-elected to the Senate in 1866, and held his seat until 1873, when he resigned in favor of his son, James Donald Cameron.

Throughout his senatorial career Mr. Cameron possessed a strong influence in national affairs. He was the author of numerous measures of great benefit to the country, and in all his legislative work was forcible and sagacious.

One of the organizers of the Republican party was Zachariah Chandler, who had been a Senator from Michigan for many years. He was born in New Hampshire in 1813, and his boyhood was spent upon a farm. Going to Detroit, Mich., when he was twenty-one years old, he entered the dry-goods business, and eventually became a wealthy merchant. He made himself prominent in local politics, and in 1851 was elected Mayor of Detroit. He hated slavery, and was very active in aiding slaves to escape to Canada. In 1857 he was elected to the United States Senate, and soon came into notice for his forceful advocacy of the measures then pending to restrict slavery. He was a Senator for nearly nineteen years, and was a notable one in many respects. He had great capacity as a statesman; was an eloquent speaker, an untiring worker, and ever bold in expressing his convictions.

Oliver P. Morton—the "Leonine Morton," as he was called—was the favorite son of Indiana. He was born in that State in 1823, and, after a short course of studies in Miami University, read law, and was admitted to the bar. He became a very popular lawyer, and it was not long before he had a very large and lucrative practice in the Indiana courts. During the war—from 1861 to 1865—he was Governor of Indiana. He came to the United States Senate in 1867, and remained till his death, in



1877. He had to be carried in and out of the Senate Chamber, as his legs were partly paralyzed, but he could stand at his desk by means of a support, and from that desk he delivered many a strong, eloquent, impressive speech. He took a leading part in the reconstruction of the South. He was sweet-natured, kind, unassuming, and altogether lovable. As a statesman he had a high reputation, and his political opinions and statements always commanded the greatest respect both in his native State and elsewhere.

Benjamin F. Wade, of Ohio, was well-fitted by natural powers and political experience to take a conspicuous part in the Senate, and for three terms he stood among the leaders. He had rare skill in management; was shrewd, patient, persistent, and rarely failed to effect any legislative purpose he had decided upon. He was an interesting speaker, and his off-hand remarks interjected into a lively debate would frequently turn the tide towards the side he favored quicker than many an elaborate speech made by more eloquent, polished orators. He was born in Massachusetts in 1800, and when he had reached his majority went to Ohio to teach school. Four years later he became a lawyer, established himself at Ashtabula, and formed a partnership with Joshua R. Giddings. When he was twenty-seven he presided over a district court, and achieved a fine reputation as a learned and efficient judge. He became a United States Senator in 1851. All through the war, and for some years afterwards, his wise, patriotic counsels were at the service of his country, and no one excelled him in devotion to the legislative business. Beginning his political career as a Whig, he subsequently entered the Republican party, and was noted as one of its most radical members.

Lyman Trumbull, the author of the Civil Rights Bill, had been a Senator from Illinois since 1855, and was ranked among the leaders. He was born in Connecticut in 1813, taught school in the South for a while, and then established himself as a lawyer in Illinois. For seven years he was a judge of the Illinois Supreme Court, leaving the bench to become a Representative in the Thirty-fourth Congress. After one term as a Representative, he entered the Senate. At first he was a Democrat, but

he was bitterly opposed to slavery and all the pro-slavery influences, and joined the Republican party. During his long legislative career Mr. Trumbull showed himself a man of brilliant attainments.

Another distinguished Illinois statesman was Elihu B. Washburne, who was called the "Father of the House," on account of his long service in that body. Mr. Washburne was born in Maine in 1816, worked as a boy in a newspaper-office, afterwards taught a country school, read law, and was admitted to the bar in 1840. He went to Galena, Ill., and opened a law-office. It was at the beginning of the stirring Harrison campaign for the presidency, and the bright young Maine lawyer saw his opportunity. He immediately began delivering strong speeches for "Tippecanoe and Tyler, too," and gained great prominence as a stump speaker. He built up a lucrative law practice, had considerable experience in State politics, and was chosen to the Thirty-third Congress in 1853 as a Representative from the Galena district.

Mr. Washburne remained in the House until 1869, when he left it to become Secretary of State under President Grant. After a short term of office he resigned and went to France as the American Minister, serving in the latter position for nearly nine years, when he retired to private life. During the war period Mr. Washburne was one of Lincoln's most trusted friends, and was everywhere recognized as one of the ablest and most patriotic of the Republicans in Congress.

Thomas A. Hendricks, of Indiana, had gained national reputation as a Democratic statesman. He had first come to Congress as a Representative in 1851, and had served for two terms with distinguished success. Then he had been Commissioner of the General Land Office at Washington for four years, and in 1863 had been chosen by the Indiana Legislature to be United States Senator. Mr. Hendricks was born in Ohio in 1819, was graduated from South Hanover College, and became a lawyer in Indiana, where he speedily acquired prominence. His congressional services were of high value. As an orator he was effective, and in committee work his political experience, ready wit, industry, and patience enabled him to accomplish much.

He was exceedingly popular with his party. In 1872 he was elected Governor of Indiana, and in 1885 was elevated to the Vice-Presidency when Grover Cleveland became President of the United States.

Another statesman of this period who became Vice-President was Schuyler Colfax, of Indiana. Mr. Colfax was Speaker of the Thirty-eighth, Thirty-ninth, and Fortieth Congresses (from 1863 to 1869). He was born in New York City in 1823, and, after a common-school education, entered a printing-office, and acquired "the art preservative of arts." In 1844 he published a newspaper at South Bend, Ind., took part in local politics, and in 1855 was elected to Congress as a Representative. He remained in the House for nineteen years, constantly giving able service, and winning extended fame as a zealous, reliable, and brilliant Representative of his district in Indiana. He was one of the Republican leaders, and was placed on the presidential ticket with General Grant in 1868, becoming Vice-President the following year.

William Pitt Fessenden, of Maine, the great Republican debater of the Senate, had come into Congress as a Representative in 1841. After one term in the House he had declined re-election, and devoted himself to his law practice and to State legislation. In 1853 he was elected to the United States Senate, and for ten years continued as a Senator. When Salmon P. Chase resigned from the Treasury in 1864, Mr. Fessenden was chosen to take his place as Secretary of the Treasury by President Lincoln, and he held the portfolio for about a year, returning afterwards to the Senate, where he remained until his death in 1869. He was an accomplished statesman, had fine oratorical powers, and was a master in debate, especially upon financial matters. He was born in New Hampshire in 1806, and after graduating from Bowdoin College became a lawyer at Portland, Me., where he resided during his life.

## CHAPTER XXVIII

Widening of the Breach between President Johnson and Congress.—

The Tenure-of-Office Act.—No Removals from Office without the Consent of the Senate.—Johnson's Test of the Act.—Attempted Removal of Secretary Stanton from the War Department.—Non-concurrence of the Senate in the Removal.—Impeachment of President Johnson by the House of Representatives.—The Articles of Impeachment and Formal Proceedings.—Details of the Trial of the President by the Senate for High Crimes and Misdemeanors.

FROM week to week the breach between President Johnson and Congress had steadily widened. The Republican leaders had distrusted him from the first. They did not like his "Southern proclivities." They believed that he was "too much the friend of his old friends in the South"; that he was "unmindful of the logic of the war, and indifferent to the integrity of its results." They thought his lenity to the rebels showed disloyalty. Having an overwhelming majority in both houses of Congress the Republicans "vetoed his veto" on all possible occasions, restricted his powers as far as they were able, and waged a constant warfare with him. To prevent him from removing public officials who did not favor his policy Congress, in March, 1867, passed the Tenure-of-Office Act.

This act provided that no official of the government, the appointment of whom the Senate was required by the Constitution to confirm, should be removed from office by the President without the "advice and consent of the Senate." During the recess of Congress the President could suspend an official, but not remove him. When Congress met, the President was required to present to the Senate his reasons for the suspension of any official, and if the Senate should refuse to concur in the suspension the official could resume his office.

The question of the President's power to remove a federal

official without the consent of the Senate had come up in the session of the First Congress under the Constitution, and had received a thorough discussion. It was decided then that the President did have the power of removal, and all the Presidents from Washington to Lincoln had exercised the power. They had removed public officials for inefficiency and for political reasons, and Congress had never attempted to interfere. It is no wonder, then, that President Johnson was highly indignant that the Thirty-ninth Congress should assume the right to pass judgment on his removals. He determined to test the Tenure-of-Office Act, and in 1867, during the summer recess of Congress, made the first step on the course which led to his trial for "high crimes and misdemeanors."

On August 5th President Johnson sent this brief note to Edwin M. Stanton, Secretary of War:

"Sir,—Public considerations of a high character constrain me to say that your resignation as Secretary of War will be accepted."

During the greater part of the Lincoln administration Mr. Stanton had been at the head of the War Department, which he had managed with remarkable skill and ability. He was known as the ablest Secretary of War the country had ever had. He was imperious, rude, unmanageable, and President Johnson had an intense dislike for him, chiefly because he did not favor his policy of reconstruction. The secretary had been requested to remain in Johnson's Cabinet by the Republican leaders, who desired to have the benefit of his strong, loyal management of the War Department during the troublous time succeeding the war.

Mr. Stanton thus answered the President's note:

"Sir,—In reply I have the honor to say that public considerations of a high character, which alone have induced me to continue at the head of this department, constrain me not to resign the office of Secretary of War before the next meeting of Congress."

A few days after the President had received Mr. Stanton's reply he suspended him, and directed General Grant to perform the duties of the office. Mr. Stanton surrendered his post under a protest to Grant, and Grant seems to have taken

it in a similar way. When the Fortieth Congress met, in December, 1867, the Senate refused to concur in Stanton's suspension, and he resumed his office. The President requested Grant to remain as Secretary of War, notwithstanding the action of the Senate; but the great soldier wisely looked at the request "as an attempt to involve me in the resistance of law," as he said, and promptly vacated the position.

The next move that the President made was to send a notice to Secretary Stanton, on February 21, 1868, that he had removed him from office, and appointed General Lorenzo Thomas, then Adjutant-general, to be Secretary of War *ad interim*. General Thomas, armed with the President's appointment, proceeded to Secretary Stanton's office in the War Department and requested him to vacate. "Do you wish me to vacate the office at once, or will you give me time to get my private property together?" the secretary rather ironically inquired. "Act your pleasure," General Thomas replied. Secretary Stanton further said, "I don't know whether I shall obey your order or not." In fact, after a few minutes' conversation Stanton did decline to vacate the office, and ordered General Thomas to go back to his post as Adjutant-general. Thomas reported to the President that Stanton would not vacate, and the President directed him "to take possession of the office by force." This he was rather inclined to do at first, but when he found that to use force in removing Stanton would be likely to result in bloodshed, Thomas was content to allow Stanton to remain in possession.

The Senate passed a resolution that, under the Constitution and laws of the United States, the President had no power to remove the Secretary of War and designate any other officer to perform the duties of that office. To this resolution President Johnson replied in a message to the Senate. He claimed that he had a right to do as he had done because, by a proviso in the Tenure-of-Office Act, it was directed that the members of the President's Cabinet "shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and

consent of the Senate." He argued that as Mr. Stanton had been appointed by Mr. Lincoln and not by himself, and now held the office only by sufferance, not by appointment of the present President, he (President Johnson) had the power to remove him and appoint another to the place, as Mr. Stanton's tenure of office was ended. "If my successor would have the power to remove Mr. Stanton," the President declared, "after permitting him to remain a period of one month, because he was not appointed by him, I, who have tolerated him for more than two years, certainly have the same right to remove him, upon the same ground, namely, that he was not appointed by me, but by my predecessor."

Secretary Stanton sent the President's order of removal to the House of Representatives, and on February 21st John Covode, of Pennsylvania, offered in the House as a question of privilege a resolution that President Johnson be impeached for high crimes and misdemeanors. The resolution was referred to the committee on reconstruction. The next day the committee made a report to the effect that, upon the evidence presented, they were of the opinion that the President should be impeached, and they recommended the adoption of this resolution :

*"Resolved*, That Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors."

A very animated debate followed, participated in by nearly all the prominent members of the House, and on the 24th the resolution was adopted by a vote of 126 yeas to 47 nays. Thaddeus Stevens and John A. Bingham were appointed a committee to notify the Senate of the action of the House. On the 25th the committee of two appeared at the bar of the Senate, and Mr. Stevens made the following formal announcement:

"In obedience to the order of the House of Representatives we have appeared before you, and in the name of the House of Representatives and of all the people of the United States, we do impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors in office. And we further inform the Senate that the House of Repre-

sentatives will in due time exhibit particular articles of impeachment against him, to make good the same; and in their name we demand that the Senate take due order for the appearance of the said Andrew Johnson to answer to the said impeachment."

The Senate referred the impeachment matter to a special committee, and this committee subsequently made a report in reference to the procedure to be observed at the impeachment trial.

The House appointed a committee of seven to prepare the articles of impeachment, and on the 29th of February this committee presented to the House nine articles, with this title:

"Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Andrew Johnson, President of the United States, as maintenance and support of their impeachment against him for high crimes and misdemeanors in office."

It was charged in the articles that President Johnson, "unmindful of the high duties of his office, of his oath, and of the requirements of the Constitution that he should take care that the laws be faithfully executed, did unlawfully, and in violation of the laws and Constitution of the United States, perform the several acts specified." In brief, these acts were unlawfully ordering the removal of Stanton and appointing Thomas as Secretary of War *ad interim*, and of conspiring with Thomas and others to take possession of the War Department and its records and property. In Article Nine it was charged that the President had summoned General Emory, who commanded the United States troops in and around Washington, and had declared to him that the law enacted on June 30, 1867, directing that "all orders and instructions relating to military operations, issued by the President or Secretary of War, shall be issued through the General of the army, and in case of his inability through the next in rank," was unconstitutional, and that General Emory should not consider himself bound to regard this law. It was charged that the President by this declaration intended to induce General Emory to disre-



guard the law, and to receive orders as to military operations from him as President.

The articles of impeachment closed as follows :

“ And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles or other accusation or impeachment against the said Andrew Johnson, President of the United States, and also of replying to his answers which he shall make to the articles herein preferred against him, and of offering proof to the same and every part thereof, and to all and every other article, accusation, or impeachment which shall be exhibited by them as the case shall require, do demand that the said Andrew Johnson may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.”

The House adopted the articles of impeachment on March 2d. A formal protest against the impeachment proceedings was made by the Democratic members of the House, who claimed to represent “directly or in principle” more than one-half of the people of the country.

Two additional articles of impeachment were adopted by the House on March 3d, making eleven in all. The additional articles charged the President with having attempted in sundry speeches to public assemblages in various parts of the country “to set aside the rightful authority and powers of Congress,” and to bring it “into disgrace,” and “to impair and destroy the regard” and “to excite the odium and resentment” of the people of the United States against it and “the laws by it enacted.” Also that the President had “by public speech” declared that the Thirty-ninth Congress “was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same, but, on the contrary, was a Congress of only a part of the states, thereby denying and intending to deny that the legislation of said Congress was valid or obligatory upon him, except in so far as he saw fit to approve the same.”

The House elected as managers of the impeachment pro-

ceedings John A. Bingham, of Ohio; Benjamin F. Butler and George S. Boutwell, of Massachusetts; Thaddeus Stevens and Thomas Williams, of Pennsylvania; John A. Logan, of Illinois; and James F. Wilson, of Iowa.

Mr. Bingham, who was the chairman of the board of managers, was a very able Republican who had been in the House for about nine years, but not consecutively. He was born in Pennsylvania in 1815. After learning the printer's trade, he studied at Franklin College in Ohio, and then prepared himself for the legal profession. When twenty-five years old he was admitted to the bar. He was elected to the Thirty-fourth, Thirty-fifth, and Thirty-sixth Congresses as a Representative from Ohio. In 1862 he acted as chairman of the House managers during the impeachment trial of West H. Humphreys, United States District Judge for the District of Tennessee, who took part as a Confederate in the war and who was convicted of treason. Mr. Bingham was Judge-Advocate of the Union army for a short time, Solicitor of the Court of Claims, and one of the counsel for the government in the trial of the Lincoln conspirators. He was elected to the Thirty-ninth and Fortieth Congresses.

Mr. Butler was selected to make the opening address for the House managers at the impeachment trial. He had been in the House from Massachusetts for a little more than a year, and had developed remarkable powers as a keen, dexterous, aggressive debater on the Republican side. He was conspicuous on the floor every day, and in all the debates about reconstruction and the other exciting matters which came up in the wake of the war his voice was heard and his influence felt. Born at Deerfield, N. H., in 1818, he lost his father while an infant, and his mother, a north-of-Ireland woman of good family, took him when he was ten years old to Lowell, Mass., where he resided all his life. He was graduated from Colby College, and in 1840 was admitted to the bar and began to practise in Lowell. He early found plenty of clients, and strongly laid the foundations of his future greatness as a lawyer. As a Democrat he served in the Massachusetts Legislature, and when the Civil War broke out he was known

throughout the State, and even beyond its borders, as a very capable, energetic, and ambitious politician who was bound to reach a distinguished position.

Butler fought for the Union, and had a military career of no common sort. For opening the way to Washington from Baltimore with the Eighth Massachusetts Regiment in April, 1861, he was commissioned a major-general by President Lincoln, and placed in command of the Department of Virginia. He had charge of the land forces at the capture of New Orleans, and subsequently ruled that city with an iron hand. He held various other commands till the surrender of Lee at Appomattox, when he returned to his law books and political ambitions. In 1866 he was elected to Congress as a Republican, and kept his seat from March 4, 1867, till March 4, 1875. In 1877 he entered Congress again for another term. He was elected Governor of Massachusetts in 1882 by the Democrats, and in 1884 he headed the presidential tickets of the Greenback-Labor and Anti-Monopoly parties, but secured no electoral votes.

Once before an attempt had been made to impeach President Johnson. In the House of Representatives of the Thirty-ninth Congress, on January 7, 1867, James M. Ashley, of Ohio, offered a resolution of impeachment of the President, on the ground that he had corruptly used his constitutional powers to appoint, pardon, and veto, and had interfered in elections and illegally disposed of public property. The resolution went to the judiciary committee, which took voluminous testimony and reported a resolution of impeachment; but the House did not pass it, the vote being 56 yeas to 109 nays.

The Constitution of the United States provides that the House of Representatives shall have the sole power of impeachment of all civil officers of the federal government. The Senate is given the sole power to try all impeachment cases, and when sitting as a court of impeachment the Senators are required to take oath or affirm. When the President of the United States is tried, the Chief-Justice of the United States is required to preside over the court. Civil officers of the government can be impeached for treason, bribery, or

other high crimes and misdemeanors, but no person can be convicted without the concurrence of two-thirds of the Senators. Judgment in impeachment cases cannot extend further than to removal from office and disqualification to hold any office under the government.

During the trial of President Johnson the Senate sat in its present magnificent chamber in the Capitol at Washington, which it had taken possession of in 1859, after an occupancy of more than fifty years of the small chamber now used by the Supreme Court of the United States. The House had removed to its present hall in 1857. North and south extensions of the Capitol had been ordered by Congress in 1851, and were constructed of marble after the designs of Thomas U. Walter, a Philadelphia architect. The extensions, and also the great dome, were finished in 1867, at a cost of \$10,000,000, and both houses of Congress were accommodated then in a suitable manner after years of inconvenient quarters.

The impeachment trial was conducted in an orderly, dignified, solemn manner, befitting an occasion of so much importance to the country. Previous to this trial there had been several impeachment trials of federal officials, but never before had a President of the United States been called to the bar of the Senate to answer to the charge of malfeasance in office.

The Senate began its formal proceedings as a High Court of Impeachment on March 5, 1868. The court was constituted of fifty-four Senators from twenty-seven states, and was presided over by Chief-Justice Salmon P. Chase, who had been placed at the head of the Supreme Court of the United States by President Lincoln in December, 1864, after the death of Chief-Justice Taney. The Chief-Justice was a very dignified, impartial presiding officer, and constantly kept the trial up to a high standard. He and each Senator took an oath "that in all things appertaining to the trial of the impeachment of Andrew Johnson, President of the United States, now pending, I will do impartial justice according to the Constitution and laws."

The Senate adopted rules of procedure, listened to the reading of the impeachment articles by the House managers, and

ordered a summons to be served on President Johnson, returnable on March 13th. On that day the President appeared by counsel at the bar of the Senate, and asked to be allowed forty days to prepare an answer to the impeachment. Ten days were granted, and then the Senate adjourned to March 23d.

When the Senate reassembled the answer of the President was presented. In regard to the alleged unlawful attempt to remove Secretary Stanton from office in violation of the Tenure-of-Office Act, the President declared that Congress had no legal authority to deprive him of the power to remove the secretary. He cited the act creating the War Department, which declares that the Secretary of War "shall conduct the business of the department in such a manner as the President of the United States shall from time to time order and instruct," and that the secretary "shall hold the office during the pleasure of the President." He had believed that the Tenure-of-Office Act was unconstitutional; and desiring to have it brought before the Supreme Court of the United States for adjudication, he had taken the action in the case of Secretary Stanton. He denied that Stanton was in lawful possession of the office, and that the order for his removal was a violation of the Constitution or an official crime or misdemeanor.

Regarding the charge that he had tried to induce General Emory to violate the law prescribing that army orders should be issued through the General of the army, the President denied that he had had any such intention. He had merely said to General Emory, as he had before said to Congress, that he believed the law to be unconstitutional. He denied that he had ever declared that the Thirty-ninth Congress was not a valid Congress, and he denied each and every criminal act as charged in the impeachment articles.

The House managers of the impeachment put in a replication to the President's answer the next day, denying every averment he had made, and declaring that he was guilty of the high crimes and misdemeanors charged in the impeachment articles, and that the House of Representatives was ready to prove the same. The Senate then appointed March 30th as the day for the beginning of the trial of the President.

On the 30th when the roll was called in the Senate the following Senators answered to their names :

Cornelius Cole and John Conness, of California ; James Dixon and Orris S. Ferry, of Connecticut ; James A. Bayard and Willard Saulsbury, of Delaware ; Thomas A. Hendricks and Oliver P. Morton, of Indiana ; Lyman Trumbull and Richard Yates, of Illinois ; James W. Grimes and James Harlan, of Iowa ; Samuel C. Pomeroy and Edmund G. Ross, of Kansas ; Garrett Davis and Thomas C. McCreery, of Kentucky ; William Pitt Fessenden and Lot M. Morrill, of Maine ; Reverdy Johnson and George Vickers, of Maryland ; Charles Sumner and Henry Wilson, of Massachusetts ; Zachariah Chandler and Jacob M. Howard, of Michigan ; Daniel S. Norton and Alexander Ramsey, of Minnesota ; Charles D. Drake and John B. Henderson, of Missouri ; John M. Thayer and Thomas W. Tipton, of Nebraska ; James W. Nye and William M. Stewart, of Nevada ; Aaron H. Cragin and James W. Patterson, of New Hampshire ; Alexander G. Cattell and Frederick T. Frelinghuysen, of New Jersey ; Roscoe Conkling and Edwin D. Morgan, of New York ; John Sherman and Benjamin F. Wade, of Ohio ; Henry W. Corbett and George H. Williams, of Oregon ; Charles R. Buckalew and Simon Cameron, of Pennsylvania ; Henry B. Anthony and William Sprague, of Rhode Island ; Joseph S. Fowler and David T. Patterson, of Tennessee ; George F. Edmunds and Justin S. Morrill, of Vermont ; Peter G. Van Winkle and Waltman T. Willey, of West Virginia ; James R. Doolittle and Timothy O. Howe, of Wisconsin.

Of these Senators forty-two were Republicans, as follows : Messrs. Anthony, Cameron, Cattell, Chandler, Cole, Conkling, Conners, Corbett, Cragin, Drake, Edmunds, Ferry, Fessenden, Frelinghuysen, Fowler, Grimes, Harlan, Henderson, Howard, Howe, Morgan, Morrill (Me.), Morrill (Vt.), Morton, Nye, Patterson (N. H.), Pomeroy, Ramsey, Ross, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, Yates.

The counsel for President Johnson were William M. Evarts,

of New York ; Benjamin R. Curtis, of Massachusetts ; Henry Stanbery and William S. Groesbeck, of Ohio ; and Thomas A. R. Nelson, of Tennessee. The President was not required to appear in person before the Senate.

Mr. Butler began the proceedings by presenting the case for the prosecution in an elaborate address. He argued that the Senate sitting as a High Court of Impeachment was not a court bound by the rules and precedents of common law, but was a constitutional tribunal solely, bound by no law, either statute or common, which might limit its constitutional prerogative. It was a law unto itself, bound only by the natural principles of equity and justice. He reviewed the articles of impeachment, and held that the facts charged in eight of them were admitted in the reply of the President, and that the intention to violate the Tenure-of-Office Act was also admitted, but was justified on the ground that the act was unconstitutional. The claim that the President had the constitutional power to make removals from office, and that this power could not be taken from him or be vested jointly in him and the Senate, was discussed at considerable length. He said :

“Has the President, under the Constitution, the more than royal prerogative at will to remove from office or to suspend from office all executive officers of the United States, either civil, military, or naval, and to fill the vacancies, without any restraint whatever or possibility of restraint, by the Senate or by Congress, through laws duly enacted? The House of Representatives, in behalf of the people, join issue by affirming that the exercise of such powers is a high misdemeanor in office. If the affirmative is maintained by the respondent, then, so far as the first eight articles are concerned—unless such corrupt purposes are shown as will of themselves make the exercise of a legal power a crime—the respondent must go, and ought to go, quit and free.”

The question of the constitutionality of the Tenure-of-Office Act was not discussed by Mr. Butler, as he assumed that the Senate would maintain a law which it had joined with the House in passing over the President's veto. The real

question, he held, was whether the case of Secretary Stanton came within the law, which provided that "the secretaries shall hold their offices during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate." He declared that Stanton's case did come within the law, because President Johnson was not serving out a term of office to which he had been elected, but was, in fact, merely serving out the remainder of Mr. Lincoln's term as President. This term did not expire until March 4, 1869, and, therefore, none of the Cabinet officers appointed by Mr. Lincoln could, under the Tenure-of-Office Act, be legally removed by President Johnson.

Mr. Butler elaborated this point, and then commented upon the ninth, tenth, and eleventh articles of impeachment. He closed by saying:

"The acts set out in the first eight articles are but the culmination of a series of wrongs, malfeasances, and usurpations committed by the respondent, and, therefore, need to be examined in the light of his precedent and concomitant acts to grasp their scope and design. The last three articles presented show the perversity and malignity with which he acted, so that the man as he is known may be clearly spread upon the record, to be seen and known of all men hereafter."

After the prosecution had presented its testimony the opening address for the defence was made by Mr. Curtis, of counsel for the President. In the main Mr. Curtis's address was an elaboration of the arguments set forth by the President in his messages to Congress. In speaking of the Tenure-of-Office Act, Mr. Curtis declared that it was the duty of the President to carry out any law, even though it had been enacted over his veto, "except where a law which he believed to be clearly unconstitutional has cut off a power confided to him, and in regard to which he alone could make an issue which would bring the matter before a court, so as to cause a judicial decision to come between the two branches of the government, to see which of them is right. This is what the President has done."



Thus disposing of eight of the articles of impeachment, Mr. Curtis said, in regard to the charge in the ninth article that the President had tried to induce General Emory to violate the law concerning military orders, that the reason the President had summoned Emory "was not that he might seduce that distinguished officer from his allegiance to the laws and Constitution of his country, but because he wished to obtain information about military movements which might require his personal attention."

The charges in the tenth and eleventh articles that the President had spoken disrespectfully of Congress, and had declared that the Thirty-ninth Congress was not a legal Congress, Mr. Curtis maintained were not impeachable offences, because they in no way violated the Constitution or any law. He said, in conclusion :

"This trial is and will be the most conspicuous instance that has ever been, or ever can be expected to be found, of American justice or of American injustice; of that justice which is the great policy of all civilized states; of that injustice which is certain to be condemned, which makes even the wisest man mad, and which, in the fixed and unalterable order of God's providence, is sure to return and plague the inventor."

The trial from this point continued for several days, oral and documentary evidence being given. General Sherman testified that President Johnson had offered him the office of Secretary of War *ad interim*, but he had told the President that he could not think of taking the post unless Stanton should retire voluntarily. He had inquired what would be done if Stanton should not give up his office, and the President had replied : "He will make no opposition; you present the order, and he will retire. I know him better than you do; he is cowardly." General Sherman, upon reflection, had positively declined the appointment.

In summing up the case able and learned speeches were made by Messrs. Bingham, Boutwell, Stevens, and Williams for the prosecution, and Messrs. Stanbery, Groesbeck, Evarts, and Wilson for the defence. At the conclusion of the speeches the Senate agreed to vote on the case on May 16th at noon.

As might be supposed the trial had produced an excited, bitter feeling in all parts of the United States. The Republicans, as a body, fully supported the party leaders in demanding the impeachment of the President; but the Democrats, as a body, were opposed to impeachment. The latter asserted that the Republicans had begun the impeachment proceedings because they were afraid that President Johnson, if allowed to remain in office, would use the power and influence of the administration for the benefit of the Democratic party, and thus enable it to elect a President. In Washington a multitude of politicians and office-seekers had assembled to discuss the possible ousting of the President, and the placing in his chair of Benjamin F. Wade, then the president *pro tempore* of the Senate and the successor to the presidency of the United States. If President Johnson should be convicted—if he were made a disgraced, despised political outcast—and Wade should become President, it was generally understood that there would be a redistribution of the federal offices.

The Senate had been carefully polled near the end of the trial, and it had been ascertained beyond a doubt that thirty-five of the Senators were for conviction and eighteen for acquittal. No one could ascertain how Senator Ross, of Kansas, would vote. He would tell no one, but it was conjectured by the Republican leaders that he favored the President. They knew that six Republicans—Fessenden, Fowler, Grimes, Henderson, Trumbull, and Van Winkle—had declared for acquittal, and they were strongly inclined to believe that Ross intended to join “these traitors to the party,” as they termed them. He held the fate of the President in his hands, as one vote was lacking to make up the two-thirds majority necessary to convict. Ross had been a printer and the editor of a country newspaper in Kansas when he had come to the Senate, in 1866, to fill the chair of Senator James H. Lane, who had died suddenly at the beginning of his second term. He was known to be a poor man, and he was offered, it is stated, a very large sum of money, the choice among several lucrative offices, and political patronage if he would vote for conviction, and was threatened with all manner of evils if he should dare to vote for acquittal.

When the Senate met, on the 16th of May, to vote on the impeachment articles, an immense crowd was present in the Senate Chamber, and the excitement was intense. It was agreed to vote first on the last article, which charged that the President had declared that the Thirty-ninth Congress was not a legal Congress. The clerk of the Senate began the roll-call, and Senator after Senator voted precisely as had been determined beforehand. When the name of Ross was reached there was an almost breathless silence. The dignified Chief-Justice said, "How say you, Senator Ross, is the respondent, Andrew Johnson, President of the United States, guilty or not guilty of a high misdemeanor as charged in the article?"

Senator Ross, standing at his desk pale, trembling with emotion, answered the inquiry of the Chief-Justice in a low, indistinct tone. All present had bent forward eagerly to catch the answer. "Speak louder!" one Senator cried. Ross again rose from his seat, looked around the Senate Chamber at the vast audience waiting for his reply, and said, in a loud, clear voice, "Not guilty!"

There was a hum of excitement and some applause, which was quickly suppressed by the Chief-Justice. President Johnson was saved!

At the conclusion of the roll-call the vote was announced as follows:

*Guilty*.—Messrs. Anthony, Cameron, Cattell, Chandler, Cole, Conkling, Conners, Corbett, Cragin, Drake, Edmunds, Ferry, Frelinghuysen, Harlan, Howard, Howe, Morgan, Morrill (Me.), Morrill (Vt.), Morton, Nye, Patterson (N. H.), Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Wade, Willey, Williams, Wilson, Yates—35.

*Not Guilty*.—Messrs. Bayard, Buckalew, Davis, Dixon, Doolittle, Fessenden, Fowler, Grimes, Henderson, Hendricks, Johnson, McCreery, Norton, Patterson (Tenn.), Ross, Saulsbury, Trumbull, Van Winkle, Vickers—19.

Without further voting, the Senate adjourned for ten days. When it reassembled, a vote was taken on the first and second articles of impeachment, but with the same result—35 for conviction, 19 for acquittal. The Chief-Justice directed that a ver-

dict of acquittal be entered on the records, and then the High Court of Impeachment was dissolved, no attempt being made to vote on the other articles.

When the acquittal was announced, the friends of President Johnson thronged the White House to offer their congratulations, and hundreds of gratulatory letters and telegrams from all parts of the United States, and even from Europe, were received by him. The President was calm and jovial, and showed no feeling of bitterness towards those who had sought to effect his downfall. From the first he had been confident that the impeachment proceedings would fail.

Secretary Stanton resigned, and General J. M. Schofield was appointed Secretary of War. At a later period the Supreme Court of the United States decided that the Tenure-of-Office Act was unconstitutional.

## CHAPTER XXIX

Completion of the Work of Reconstructing the Southern States.—

The Reconstruction Measures declared Constitutional by the Supreme Court of the United States.—Colored Voters in the South Outraged.—The “Ku-klux-klan.”—Fifteenth Amendment to the Constitution.—Decision regarding the “Legal Tenders.”—Unsuccessful Attempt to Annex San Domingo.—Passage of the “Force Bill.”—Adjustment of the Alabama Claims.—The Amnesty Act.—The Liberal Republicans.—The Crédit Mobilier Scandal Implicating Prominent Congressmen.—The Poland Committee of Investigation and its Report.—The “Salary Grab.”

THE presidential campaign of 1868 was conducted mainly on the reconstruction issue. The Republicans nominated General Ulysses S. Grant, of Illinois, for President, and Schuyler Colfax, of Indiana, for Vice-President, and in their platform congratulated the country “on the assured success of the reconstruction policy of Congress, as evinced by the adoption in the majority of the states lately in rebellion of constitutions securing equal civil and political rights to all.” They declared that it was the “duty of the government to sustain those institutions, and to prevent the people of such states from being remitted to a state of anarchy.” The Democrats nominated Horatio Seymour, of New York, for President, and Francis P. Blair, Jr., of Missouri, for Vice-President. In their platform they demanded “the immediate restoration of all the states to their rights in the Union under the Constitution; amnesty for all political offences, and the regulation of the elective franchise in the states by their citizens.” The Democrats carried New York, New Jersey, and five Southern states, receiving 71 electoral votes; while the Republicans carried all the other states, except Virginia, Georgia, and Mississippi, which had not been readmitted to the Union, receiving 214 electoral votes.

By the time the Forty-first Congress had finished its first regular session, in 1870, the work of reconstruction was completed and the seceding states were all again in the Union. The military system which Congress had enacted to be used in the reconstruction was constantly opposed by President Johnson, but his opposition could not prevent the system from being effectually carried out. When General Grant became President, in 1869, he gave all the aid he could to the efforts that were then being made to complete the reconstruction. The readmitted states had abolished all laws pertaining to slavery, had repudiated the rebel war debt, had agreed to enact no law abridging the rights of any class of citizens, and had ratified the Fourteenth and Fifteenth Amendments to the Constitution of the United States, which made the negro a citizen and gave him equal suffrage with the white citizen. Tennessee was readmitted in 1866, Arkansas in 1868, and North Carolina, South Carolina, Florida, Alabama, and Louisiana under a general act passed in 1868. Virginia, Georgia, Mississippi, and Texas were readmitted in 1870.

In 1869 the reconstruction measures of Congress, which had been severely criticised by the opponents of the party in power, were declared constitutional by the Supreme Court of the United States in the case of *Texas v. White*. The court held that the seceding states had no right to secede, and never had been really out of the Union. Their ordinances of secession were "absolutely null." During and after their rebellion they had no governments, the court declared, that were "competent to represent them in their relations with the national government," and, therefore, Congress had the power to re-establish the relations of any of these states to the Union.

In most parts of the Southern country there was a bitter feeling about negro suffrage, and this feeling soon manifested itself in an outrageous manner. A secret organization called the "Ku-klux-klan" or "White League" was formed in North Carolina, and was rapidly extended throughout the South. Its purpose was to intimidate the colored Republican voters in various harsh and brutal ways in order to prevent them from going to the polls and voting. They were whipped, dragged

from their homes at night and maltreated, and in numerous instances murder was made a part of the intimidatory process. The atrocities aroused great indignation in the North, and the Republicans, having a large majority in both houses of Congress, proceeded to enact stringent laws for the protection of the colored people of the South and to punish their assailants.

On February 26, 1869, Congress passed a joint resolution proposing a Fifteenth Amendment to the Constitution of the United States, as follows, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude." The amendment was ratified by the states, and was proclaimed a part of the Constitution on March 30, 1870.

The Supreme Court of the United States decided in 1869 that the legal-tender feature of the national currency, which Congress had authorized in 1862, was unconstitutional. Soon after the court had announced this decision two new judges were added to the bench, and in March, 1870, when the legal-tender question came up again in another case, the court reversed its former decision by the votes of the new justices and declared the "legal tenders" constitutional.

The question of the annexation to the United States of the Republic of San Domingo, or Dominica, which occupies the eastern part of the island of Hayti, in the West Indies, came up during President Grant's administration. In 1869 Grant negotiated a treaty of annexation with the President of San Domingo, but the treaty was rejected by the Senate. In 1870, in his annual message to Congress, the President urged annexation, on the ground that it was important that the United States should have the fine harbor of Samana, in San Domingo, as a naval rendezvous, and also to prevent it from being acquired by a foreign power. Congress authorized the President to appoint three commissioners to visit San Domingo, and ascertain the views of its people on the question of annexation. The commissioners made a favorable report, but there was so little interest in the matter in Congress that it was allowed to drop, and never since has it been revived.

In order to enforce the provisions of the Fourteenth and Fifteenth Amendments to the Constitution relating to citizenship and equal suffrage, which had been virtually nullified in certain sections of the South, the Forty-second Congress, at an extra session beginning March 4, 1871, passed what is usually designated the "Force Bill." The bill provided that any person who should be deprived of the rights of a citizen could bring suit in a United States court against the person depriving him of these rights. It was made a penal offence for any person to deprive another of his rights as a citizen, or to conspire to this end. Any State government that should neglect or refuse to suppress any conspiracy to deprive a person of his rights as a citizen, or to protect the rights of its citizens, or to call upon the President of the United States for aid, was to be considered as denying equal protection under the laws, as provided in the Fourteenth Amendment to the Constitution, and in this case the President was authorized to use the power of the federal government to suppress such a conspiracy or to give the protection required. The President was also given the authority until the end of the next regular session of Congress to suspend the writ of *habeas corpus* in any district "when in his judgment the public safety shall require it."

At the first regular session of the Forty-second Congress, in 1872, a bill was passed by the Senate to extend the President's authority to suspend the Habeas Corpus Act to the end of the next session of Congress, but the bill was fought strenuously in the House by the Democrats and failed to pass. A very able speech against the extension was made by Samuel S. Cox.

About this time an act was passed authorizing the appointment of federal supervisors of elections in cities of more than 20,000 inhabitants. The supervisors were given the power to arrest any person violating the election laws.

The so-called "Alabama Claims" were adjusted in 1872. Throughout the Civil War several rebel cruisers had been built and fitted out in English ports with the apparent connivance of the government of Great Britain, in violation of its neutral position and of international law. These cruisers had captured and destroyed a number of vessels, with valuable cargoes, be-



longing to Northern merchants. Among the cruisers was the rebel ram *Alabama*, which had done very destructive work. Its name, therefore, was given to the claims for damages which the United States, after the war, made against Great Britain for her neglect or refusal to observe the requirements of neutrality and of international law. The United States offered to submit the matter to arbitration, and in 1871, by the Treaty of Washington, Great Britain agreed that a tribunal of five persons, to be chosen by the governments of the United States, Great Britain, Italy, Switzerland, and Brazil, should consider and dispose of it. The arbitrators chosen were the Hon. Charles Francis Adams, for the United States; the Rt. Hon. Lord Chief-Justice Sir Alexander Cockburn, for Great Britain; Count Federigo Sclopis, for Italy; Mr. Jaques Staempfli, for Switzerland, and Baron d'Itajuba, for Brazil. The agent on the part of the United States was J. C. Bancroft Davis; on the part of Great Britain, the Rt. Hon. Lord Tenterden. The counsel for the United States were Caleb Cushing, William M. Evarts, Morrison R. Waite, and Charles A. Beaman; for Great Britain, Sir Roundell Palmer.

On the 15th of December, 1871, the tribunal met at Geneva, Switzerland, and for nine months had the Alabama Claims under consideration. Proofs of losses caused by the depredations of the rebel privateers *Alabama*, *Florida*, and *Shenandoah* were submitted by the United States, and elaborate arguments upon international law and other matters were made by the counsel for both contending countries. Finally, on September 14, 1872, the tribunal decided by a vote of 4 to 1 (the dissenting vote being cast by the representative of Great Britain) that Great Britain should pay to the United States the sum of \$15,500,000 in gold, "as the satisfaction of all the claims referred to the consideration of the tribunal." Great Britain paid the award within twelve months, and it proved to be more than enough to satisfy all the claims.

The third section of the Fourteenth Amendment to the Constitution provides that "no person shall be a Senator or Representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United

States, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability." For some time the Democrats and Conservatives in Congress had made strenuous efforts to pass an Amnesty Act removing the political disabilities imposed by this section, but they were not successful until they had agreed to exclude from the general amnesty those who had been prominent in the civil and military service of the Southern Confederacy, numbering about three hundred and fifty persons. The Amnesty Act, as passed on May 22, 1872, provided "that all legal and political disabilities imposed by the third section of the fourteenth article of the amendments of the Constitution of the United States are hereby removed from all persons whomsoever, except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers in the judicial, military, and naval service of the United States, heads of departments, and foreign ministers of the United States." Afterwards several acts were passed granting amnesty to those excluded by the Act of 1872.

There was a division in the Republican party when the presidential campaign of 1872 was entered upon. A considerable faction of the party under the leadership of Horace Greeley, of New York, Charles Francis Adams, of Massachusetts, Carl Schurz, of Missouri, and others, assumed the name of Liberal Republicans, held a national convention at Cincinnati on the 1st of May, and nominated Horace Greeley for President and B. Gratz Brown, of Missouri, for Vice-President. The Liberal Republicans did not approve of the policy of the Republican party concerning the South. They believed that the time had arrived for the federal government to withdraw its troops from the Southern States, where they had been stationed ever since the rebellion had collapsed, and to cease to coerce the white people of that region. They maintained that the enforcement acts of Congress were more for the benefit of the Grant admin-

istration than for the country, and they boldly declared that the President was trying to establish a military despotism. In their platform they demanded local self-government for the South, and a "return to the methods of peace and the constitutional limitations of power."

The Democrats held a national convention at Baltimore on July 9th, and adopted the platform and candidates of the Liberal Republicans. Subsequently a faction of the Democratic party assembled at Louisville, and nominated Charles O'Connor, of New York, for President. General Grant received the nomination for President from the regular Republicans, and Henry Wilson, of Massachusetts, was nominated for Vice-President.

Grant and Wilson were elected, carrying thirty-one states with 286 electoral votes. Their popular vote was 3,597,070. Greeley and Brown received sixty-three electoral votes and a popular vote of 2,834,079. The Democratic ticket headed by O'Connor received a popular vote of 29,408. Before the electoral college met in December Greeley had died, and the Democratic electors were, therefore, compelled to vote for other persons.

The Crédit Mobilier scandal, involving prominent members of Congress, was predominant in national politics in 1873. From 1861 to 1864 Congress had passed acts providing for the building of a railroad across the continent to the Pacific Ocean, and had bestowed on this stupendous enterprise liberal financial aid. That part of the transcontinental road which was within the territory of the Union Pacific Railroad Company was constructed by a stock company entitled the "Crédit Mobilier of America," and was completed in 1869.

The Crédit Mobilier was originally incorporated by the Legislature of Pennsylvania under the name of the "Pennsylvania Fiscal Agency." In 1864 its charter and franchises were purchased by persons interested in the Union Pacific Railroad, for the purpose of using it as a construction company to build the road, and its name was changed to the Crédit Mobilier, and it was capitalized at \$2,500,000. In 1864 the Crédit Mobilier was given a contract to build 300 miles of the Union Pacific Railroad, and in 1867 it was given another contract to build 647

miles more at prices ranging from \$42,000 to \$96,000 per mile, the latter contract aggregating \$47,000,000. All the large stockholders of the Union Pacific Railroad Company were also large stockholders of the *Crédit Mobilier* Company, and, in consequence, the contracts for the construction of the railroad were arranged so as to admit of enormous profits. The stock of the *Crédit Mobilier* was not in the market and had no fixed value, but it was considered by those who held it as being worth three or four times its par value. Dividends of eighty and ninety per cent. were frequent.

During the presidential campaign of 1872 it was charged by the Democrats that shares of the *Crédit Mobilier* had been disposed of on remarkably easy terms to Republican congressmen and government officials as a bribe to influence them in voting and acting in the interest of the Union Pacific Railroad Company. On the first day of the third session of the Forty-second Congress, in December, 1872, a motion was made in the House of Representatives by Speaker Blaine, who was one of the persons accused, that a committee be appointed to investigate the charges brought against certain of the Representatives in connection with the *Crédit Mobilier*. The motion was carried, and Samuel S. Cox, of New York, a Democrat, who had been called to the chair temporarily by Speaker Blaine, appointed a committee composed of two Democrats, two Republicans, and one so-called Liberal Republican, to make a thorough investigation of the matter. The chairman of this committee was Luke P. Poland, of Vermont, and the others were Nathaniel P. Banks, of Massachusetts; William E. Niblack, of Indiana; William M. Merrick, of Maryland; and George W. McCrary, of Iowa.

The Poland committee made a patient, careful, exhaustive investigation of the *Crédit Mobilier* matter, and on February 18, 1873, presented an elaborate report to the House of Representatives. The committee found that in 1867 Oakes Ames, a member of the House from Massachusetts and one of the largest stockholders in the Union Pacific Railroad Company and also in the *Crédit Mobilier* Company, had entered into contracts with members of Congress, both Senators and Repre-

sentatives, to sell them shares in the Crédit Mobilier at par, with accrued interest for six months. The report says that some of the congressmen "raised the question whether becoming holders of this stock would bring them into any embarrassment as members of Congress in their legislative action. Mr. Ames quieted such suggestions by saying it could not, for the Union Pacific had received from Congress all the grants and legislation it wanted, and it should ask for nothing more." Some of the congressmen paid for their stock in cash, while others, who had not the money, allowed Mr. Ames to carry the stock for them "until they could get the money, or it should be met by the dividends."

It was believed by the committee that Mr. Ames spoke the truth when he said that the Union Pacific would not ask or need further legislation. "But," the committee said, "he feared the interests of the road might suffer by adverse legislation, and what he desired to accomplish was to enlist strength and friends in Congress who would resist any encroachment upon or interference with the rights and privileges already secured, and to that end wished to create in them an interest identical with his own." For this reason he let the congressmen have the Crédit Mobilier stock at its par value when it was worth much more.

Among the leading members of the House who were accused of having participated in this very profitable stock purchase was James G. Blaine, of Maine, who had been elected Speaker of the Forty-first Congress and re-elected to the same position in the succeeding one. From the evidence taken in his case the committee found that "Mr. Ames had a conversation with Mr. Blaine in regard to taking ten shares of the stock, and recommended it as a good investment. Upon consideration Mr. Blaine concluded not to take the stock, and never did take it, and never paid or received anything on account of it; and Mr. Blaine never had any interest, direct or indirect, in Crédit Mobilier stock or stock of the Union Pacific Railroad Company."

James A. Garfield, of Ohio, was another of the prominent accused congressmen. The committee found in his case that

he had agreed to take ten shares of *Crédit Mobilier* stock, but had not paid for them. On January 3, 1868, there was a dividend on the stock of eighty per cent. in *Union Pacific* bonds. As Garfield's stock stood in Ames's name, the latter received the eighty per cent. dividend in bonds, sold the bonds, paid for the stock that he was carrying for Garfield, and had a balance of \$329. The report says: "This sum was paid over to Mr. Garfield by a check on the Sergeant-at-arms, and Mr. Garfield then understood this sum was the balance after paying for the stock. Mr. Ames received all the subsequent dividends, and the committee do not find that, since the payment of the \$329, there has been any communication between Mr. Ames and Mr. Garfield on the subject until this investigation began."

The cases of William D. Kelley, of Pennsylvania; Henry L. Dawes, of Massachusetts; John A. Bingham, of Ohio, and Glenni W. Scofield, of Pennsylvania, who were implicated in the singular stock transaction, were described. One of the cases was similar to Garfield's case, while in the others there had been an actual payment of money for the stock, which had been purchased because it had been represented as "a profitable investment likely to pay large dividends."

The committee did not find that the members of the House mentioned were aware of the object of Mr. Ames, or that they had any other purpose in taking the stock than to make a profitable investment, and it was not able to find that any of these members of Congress had been affected in their official action in consequence of their interest in *Crédit Mobilier* stock. The committee found nothing in the conduct or motives of any of these members in taking this stock that called for any action. The only criticism that could be made was that they had not been "sufficiently careful in ascertaining what they were getting" when they took the stock. The committee said: "No member of Congress ought to place himself in circumstances of suspicion, so that any discredit of the body shall arise on his account. It is of the highest importance that the national legislature should be free of all taint of corruption, and it is of almost equal necessity that the people should

feel confident that it is so. In a free government like ours we cannot expect the people will long respect the laws if they lose respect for the law-makers."

Having thus disposed of the above cases, the committee took up the case of James Brooks, of New York, a Democrat and the well-known editor of the New York *Daily Express*, who had been a member of the House of Representatives for many years. The committee found that Mr. Brooks had aided, through the press and otherwise, in getting subscriptions to the stock of the Crédit Mobilier when it was first organized; and later, when the company had begun to make large sums of money from its contracts with the Union Pacific Railroad, had applied to Dr. Durant, then the leading man in the enterprise, for two hundred shares of the stock, which was then estimated to be worth double the par value. The committee said:

"It does not appear that Mr. Brooks claimed that he had any legal contract for stock that he could enforce, or that Durant considered himself in any way legally bound to let him have any; but still, on account of what had been said, and the efforts of Mr. Brooks to aid him, he considered himself under obligations to satisfy Mr. Brooks in the matter. The stock had been so far taken up, and was then in such demand, that Durant could not well comply with Brooks's demand for two hundred shares. After considerable negotiation, it was finally adjusted between them by Durant agreeing to let Brooks have one hundred shares of Crédit Mobilier stock, and giving him with it \$5000 of Union Pacific bonds and \$20,000 of Union Pacific stock. . . . After the negotiation had been concluded between Mr. Brooks and Dr. Durant, Mr. Brooks said that as he was a government director of the Union Pacific road, and as the law provided that such directors should not be stockholders in that company, he would not hold this stock, and directed Dr. Durant to transfer it to Charles H. Neilson, his son-in-law. The whole negotiation with Durant was conducted by Mr. Brooks himself, and Neilson had nothing to do with the transaction except to receive the transfer. The \$10,000 to pay for the one hundred shares was paid by Mr.

Brooks, and he received the \$5000 of Pacific bonds which came with the stock."

Subsequently Mr. Brooks demanded fifty additional shares of the *Crédit Mobilier* stock, and was allowed to purchase them at par and on easy terms, although they were considered worth three or four times their par value. The committee, believing that in the transaction Mr. Brooks had with Dr. Durant he might have had some claim, legal or moral, to the stock then purchased, allowed that part of the case to remain dormant, and discussed merely the latter purchase. The question was asked, How was Mr. Brooks able to procure the fifty shares at par value when they were worth so much more? and "no other satisfactory solution of the question" could be found than that he was given them with the intent to influence his action as a member of Congress, and that he knew they were given him for that purpose. The committee stated that as Mr. Brooks was a government director in the Union Pacific Railroad Company, as well as a member of Congress, it was his duty to watch over the interests of the government in the road, and to see that they were protected and preserved; but instead he "joined himself with the promoters of a scheme whereby the government was to be defrauded, and shared in the spoil."

The committee recommended the adoption of the following resolutions:

"1. Whereas Mr. Oakes Ames, a Representative in this House from the State of Massachusetts, has been guilty of selling to members of Congress shares of stock in the *Crédit Mobilier of America* for prices much below the true value of such stock, with intent thereby to influence the votes and decisions of such members in matters to be brought before Congress for action; therefore,

*Resolved*, That Mr. Oakes Ames be, and he is hereby, expelled from his seat as a member of this House.

"2. Whereas Mr. James Brooks, a Representative in this House from the State of New York, did procure the *Crédit Mobilier Company* to issue and deliver to Charles H. Neilson, for the use and benefit of said Brooks, fifty shares of the stock



of said company, at a price much below its real value, well knowing that the same was so issued and delivered with intent to influence the votes and decisions of said Brooks, as a member of the House, in matters to be brought before Congress for action, and also to influence the action of said Brooks as a government director in the Union Pacific Railroad Company; therefore,

*"Resolved,* That Mr. James Brooks be, and he is hereby, expelled from his seat as a member of this House."

There was a lengthy debate over the resolutions of expulsion, but finally they were rejected by the House, which substituted a resolution censuring Oakes Ames and James Brooks for their conduct, and subjecting them "to the absolute condemnation of the House."

The Forty-second Congress also furnished the country with another subject for animadversion and displays of public indignation. On the 3d of March, 1873, the last day of its existence, it passed an act increasing the compensation of members of Congress from \$5000 to \$7500 a year, the increase to be retroactive and to date from March 4, 1871. The act also increased the salary of the President of the United States from \$25,000 to \$50,000, and the salary of the Vice-President from \$8000 to \$10,000. The salaries of the members of the President's Cabinet and of the justices of the Supreme Court were also increased. The increase of the salaries of congressmen amounted to \$972,000.

From 1789 to 1817 the compensation of the Senators and Representatives in Congress was six dollars for each day of the sessions, with the exception of three years, in one of which (1795 to 1796) it was seven dollars a day, and in two of which (1815 to 1817) it was \$1500 a year. Travelling expenses in going to and returning from the places where Congress met were allowed at the rate of thirty cents a mile. From 1817 to 1855 the compensation was eight dollars a day, with an allowance of forty cents a mile for travel. In 1855 was established the system of annual compensation, which has continued to the present time. For ten years \$3000 a year was allowed, with forty cents a mile for travel. From the 4th of March, 1865, to the beginning of the term of the Forty-second Congress, in

1871, the compensation was \$5000 a year, with twenty cents a mile for travel.

The increase of the salaries of congressmen from \$5000 to \$7500 was not disapproved to any extent by the country, because it was believed by many that, as the congressmen had relinquished the franking privilege, a greater compensation should be allowed them to meet the additional expense caused by this relinquishment. It was the retroactive clause of the salary act that aroused a heated feeling. It was considered a very disgraceful thing for the members of the Forty-second Congress to vote themselves the increased compensation from the beginning of the Congress two years before the passage of the act. There was so fierce a storm of disapproval of this "salary grab," as it was called, that many of the congressmen, who had drawn from \$3000 to \$4000 of "back pay," restored the money to the Treasury; while others, who braved the public indignation and retained the money, were branded with opprobrious epithets, and many of them were relegated to private life. The Forty-third Congress, on January 20, 1874, repealed the Salary Act, so far as it related to members of Congress.

What is known as the "tidal wave of 1874," or the "political tornado," caused the Forty-fourth Congress, which began on December 6, 1875, to be Democratic in its lower branch. Ever since the Thirty-seventh Congress, in 1861, the Republicans had had good and frequently very large majorities in both houses of all the Congresses that had been held, but now they had lost their control of the House of Representatives. They had a small majority in the Senate. They claimed that this "tidal wave"—this remarkable overturning by the Democrats—had been accomplished by the suppression of the colored vote in the South, and by frauds in the counting of the votes elsewhere. The Democrats denied the charges of wrongful action, and asserted that their victory was largely the result of popular disgust at the methods used by the Republican party in its conduct of affairs in the Southern States. In the House of Representatives of the Forty-third Congress there had been 194 Republicans, 92 Democrats, and 14 Independents—a Republican majority of 88. In the House of Representatives

of the Forty-fourth Congress the Democrats numbered 168 and the Republicans 107—a Democratic majority of 61. The Senate had 43 Republicans and 29 Democrats.

The act originally introduced by Charles Sumner in the Senate, in 1872, to supplement the Civil Rights Bill, providing that common carriers, inn-keepers, theatre managers, etc., should not discriminate against negroes, was passed by Congress in 1875. Eight years later the Supreme Court of the United States decided that the supplementary act was unconstitutional so far as it applied to the states, but was constitutional in the District of Columbia and the territories, over which Congress had absolute control.

The Resumption Act, or, as it was entitled, An Act to Provide for the Resumption of Specie Payments, was passed in January, 1875. The act provided that on and after January 1, 1879, the Secretary of the Treasury should redeem in coin the legal-tender notes of the government. At the time appointed in the act specie payments, which had been suspended since December 30, 1861, were resumed, and from that day to this the paper money of the government has been at par with coin.

The House of Representatives, in 1876, impeached William W. Belknap, then Secretary of War, on the charge of receiving \$1500 for appointing a person to the lucrative position of post-trader at Fort Sill. The Senate heard the evidence in the case, and on August 1st thirty-five of the Senators voted guilty, and twenty-five not guilty—not the two-thirds vote necessary to convict. Thus Belknap, who had resigned his office immediately upon his impeachment by the House and retired to private life, escaped conviction. Most of the Senators who voted not guilty did so because they held that, as Belknap was not an officer of the government at the time of his trial, but a private citizen, he was not liable to impeachment.

The State of Colorado, which had been organized as a Territory from portions of Kansas, Nebraska, Utah, and New Mexico, was, on August 1, 1876, admitted to the Union. It was the thirty-eighth of the sisterhood of states, and was called the "Centennial State" because it was admitted when the nation had just reached the centenary of its existence.

## CHAPTER XXX

Leading Members of Congress from 1870 to 1885.—James G. Blaine, the Distinguished Republican Leader.—The Serious Charges against Him.—The Mulligan Letters.—A Remarkable Scene in the House of Representatives.—Roscoe Conkling.—The Celebrated Rencounter between Conkling and Blaine.—The “Father of the Senate” and the “Father of the House.”—John Sherman’s Long and Honorable Career in Congress.—Able Democrats who have Won Distinction.—The First Colored Senators and Representatives from the Southern States.

FROM 1870 to 1885 there were in Congress many men famed for capability and for patriotic, sagacious statesmanship. Although by this time the exciting war issues had been all settled, in their stead were to be considered problems of the finances, of the tariff, of civil rule—scarcely less vexatious and weighty, but not, perhaps, productive of so much passion and discord. In looking over the bulky volumes of the debates of this period, one is struck by the fact that most of the older members in both houses of Congress participated in the discussions of the more important questions, often speaking with a fulness of knowledge and a cogency which evinced profound study and ability of no common kind. These debates, in the range and treatment of their subjects, in lucid reasoning, and in varied information, may be classed among the greatest in the annals of the national legislature. They developed statesmen of whom the country is proud.

In the list of prominent men of this period were James G. Blaine, Roscoe Conkling, John Sherman, Allen G. Thurman, Samuel S. Cox, George F. Edmunds, Henry B. Anthony, Samuel J. Randall, Carl Schurz, James A. Garfield, Joseph R. Hawley, Thomas F. Bayard, William S. Holman, William D. Kelley, Matthew H. Carpenter, Lot M. Morrill, Joseph E.

McDonald, David Davis, Daniel W. Voorhees, Abram S. Hewitt, Henry Watterson, Michael C. Kerr, William M. Springer, Richard P. Bland, Matthew W. Ransom, George H. Pendleton, William Mahone, John G. Carlisle, James B. Beck, Joseph C. S. Blackburn, William R. Morrison, Frederick T. Frelinghuysen, J. Proctor Knott, William P. Frye, Thomas W. Ferry, Lucius Q. C. Lamar, Eugene Hale, Roger Q. Mills, George F. Hoar, and John Randolph Tucker. Some of these legislators had been in Congress throughout the war period, and properly might be included in the list, previously given, of those who had made themselves prominent in the stirring times of rebellion.

James G. Blaine, of Maine, was born on a farm in what is now West Brownsville, Washington County, Pa., on January 31, 1830. His father was of Scotch-Irish descent, and his mother was a member of the Gillespie family, prominent in western Pennsylvania. James received a common-school education, and when eleven years old was sent to Lancaster, O., where he lived for two years in the family of his relative, Thomas Ewing, then Secretary of the Treasury. While living in the Ewing family he was prepared for college, and in 1843 he entered the Washington and Jefferson College at Washington, Pa., from which he was graduated four years later. In 1847 he went to Kentucky, and taught school for three years, and then returned to his Pennsylvania home, where he remained engaged in farming work until 1853, when he took up his residence at Augusta, Me., and began the life of a journalist. He edited the *Kennebec Journal*, and later the *Portland Advertiser*, and soon was known among politicians as a political writer and manager of more than ordinary ability. He was elected to the Maine Legislature, and, entering earnestly upon his legislative duties, speedily became famous in State affairs. In the fall of 1862 he was elected to the Thirty-eighth Congress as a Representative, and in December, 1863, when a little less than thirty-four years old, he began his distinguished career in the national political field.

From 1863 to 1876 Mr. Blaine served in the House of Representatives. He took a leading position from the first, and

achieved fame as a forcible debater and a close student of the great questions of legislation. He was bright, alert, energetic, quick to perceive a good point, and ever ready to battle for the principles of the Republican party. He had a remarkable memory, and on the spur of the moment could cite voluminously the facts of history and the political relations of prominent men, astonishing all who heard him. He was elected Speaker of the Forty-first Congress in 1869, and was re-elected to the same post in the Forty-second and Forty-third Congresses. As Speaker he was able, conciliatory, and popular, and during the six years that he held the important office he exercised a powerful influence on national legislation. He had a thorough knowledge of parliamentary law, and readily decided all the complex questions the House submitted to him. None of his decisions while in the Speaker's chair was changed by the House. He could always handle the great, not easily governed body of legislators—could make the House bow to his will even when there was much excitement and turbulence.

Mr. Blaine's eventful career in the House of Representatives closed in the summer of 1876. In April of that year, while he was actively engaged in a canvass for the presidential nomination by the Republican National Convention, his political opponents made a serious charge against him. It was asserted that he had received a draft for \$64,000 from the Union Pacific Railroad Company, presumably for services rendered as a member of Congress. When he had disproved this charge it was reiterated in another form. It was stated that he had received as a gift \$75,000 worth of the bonds of the Little Rock and Fort Smith Railroad Company, and that these bonds had been purchased from him at a large over-valuation by the Union Pacific Railroad Company, which in this indirect way had sought to recompense him for services he had rendered the company in connection with certain legislation. It was also stated that Mr. Blaine had received as a gift several thousand dollars' worth of bonds of the Kansas Pacific Railroad Company.

An emphatic denial of the statements was made by Mr. Blaine. He acknowledged having had in his possession some

of the Little Rock and Fort Smith bonds, but declared that he had purchased them simply as a speculation and had sold them at a loss. In regard to the Kansas Pacific bonds, Mr. Blaine declared that it was his brother, and not himself, who had received them. His brother had been one of the original settlers of Kansas, and one of the original stock-holders of the Kansas Pacific road.

On the 2d of May Mr. Blaine's opponents succeeded in securing the passage by the House of Representatives of the following resolution :

“Whereas it is publicly alleged, and is not denied by the officers of the Union Pacific Railroad Company, that that corporation did, in the year 1871 or 1872, become the owner of certain bonds of the Little Rock and Fort Smith Railroad Company, for which bonds the said Union Pacific Railroad Company paid a consideration largely in excess of their market value, and that the board of directors of said Union Pacific Railroad Company, though urged, have neglected to investigate said transaction, therefore the committee on the judiciary are instructed to inquire if any such transaction took place, and if so, what were the circumstances and inducements thereto, from what person or persons said bonds were obtained and upon what consideration, and whether the transaction was from corrupt design or in furtherance of any corrupt object, and that the committee have power to send for persons or papers.”

The investigation ordered by the resolution was begun. The judiciary committee summoned as a witness James Mulligan, of Boston, a confidential book-keeper for Jacob Stanwood, the brother-in-law of Mr. Blaine. Mulligan had in his possession certain letters written by Blaine to Warren Fisher and other persons interested in the Little Rock and Fort Smith Railroad. These letters were supposed to be very damaging to Blaine. As soon as Mulligan had reached Washington Blaine obtained the letters from him in what Mulligan claimed to be a dishonorable manner.

On the 5th of June Mr. Blaine made a personal statement in the House of Representatives. He said that he knew that

the resolution of investigation of the Union Pacific Railroad Company was aimed at him, and that the investigation was "to be a personal one upon me." He declared that he was ready to meet any investigation, but, he said, "I want you by name to organize a committee to investigate James G. Blaine. I want to meet the question squarely."

In reference to the "Mulligan letters," as they were called, he said :

"This man had selected out of correspondence running over a great many years letters which he thought would be peculiarly damaging to me. He came here loaded with them. He came here for a sensation. He came here primed. He came here on that peculiar errand. I was advised of it, and I obtained the letters under circumstances which have been notoriously scattered throughout the country and are known to everybody. I have them. I claim I have the entire right to those letters, not only by natural right, but upon all the precedents and principles of law, as the man who held those letters in possession held them wrongfully. The committee that attempted to take those letters from that man for use against me proceeded wrongfully. They proceeded in all boldness to a most defiant violation of the ordinary private and personal rights which belong to every American citizen."

Mr. Blaine defied the judiciary committee to compel him to produce his private letters, and then said :

"But, sir, having vindicated that right, standing by it, ready to make any sacrifice in the defence of it, here and now, if any gentleman wants to take issue with me in behalf of the House, I am ready for any extremity of contest or conflict in behalf of so sound a right. And while I am so, I am not afraid to show the letters. Thank God Almighty I am not ashamed to show them. There they are [holding up a package of letters]. There is the very original package. And with some sense of humiliation, with a mortification that I do not pretend to conceal, with a sense of outrage which I think any man in my position would feel, I invite the confidence of forty-four millions of my countrymen while I read those letters from this desk."



Mr. Blaine read the fifteen letters, one after the other, and explained what they meant. He answered all the questions that were asked him by the members, and spoke at length in some instances, being apparently desirous of letting the House and the public know all the details in each case of any importance. The letters were all printed in the Congressional Record the next day, and there they are now preserved in the huge volumes of the proceedings of Congress to be read of all men. The letters show that Mr. Blaine was active in business as well as in state affairs, and that he had many transactions in railroad bonds and other securities, some of the transactions going back to a period anterior to his congressional life; but there is nothing in the letters, upon a fair reading of them, which implicates him in any transaction reflecting on his honor as a member of Congress.

At this time Josiah Caldwell, a prominent railroad capitalist, and one of the originators of the Little Rock and Fort Smith Railroad, who was supposed to have a full knowledge of the alleged bond transaction with Blaine, was in Europe, and both Blaine and the judiciary committee had been trying to reach him by cable. When Blaine had finished reading the letters, he turned to J. Proctor Knott, the chairman of the judiciary committee, and exclaimed in a tone of intense indignation, "I have heard that you got a despatch last Thursday morning at eight o'clock from Josiah Caldwell completely and absolutely exonerating me from this charge, and you have suppressed it! I want the gentleman to answer."

But "the gentleman" did not answer just then, as Eppa Hunton, his colleague on the judiciary committee, rose and made a statement of the way in which Mr. Blaine had obtained his letters from Mulligan. Mr. Hunton said that Mulligan had stated to the committee that Mr. Blaine had come to him at the hotel in Washington where he was staying, and had urged him to give up the letters, even going down on his knees, "or almost down," and saying, "If you do not deliver those letters to me I am ruined and my family disgraced." Mulligan refused to give up the letters, and then Blaine asked if he might read them. At first Mulligan objected, but finally, upon a

pledge of honor from Blaine that he would return the letters, they were given him to read. He read them over once or twice and then returned them. Again he entreated Mulligan to give up the letters, offering him a better position than he was holding, a consulship or some other good political office; but to all the offers Mulligan said no, and left the room. Blaine followed him to his apartment and said, "Let me read those letters again." On pledge of his honor to return them Blaine was given the letters for the second time. He looked them over for a while, and then told Mulligan he was going to keep them. Mulligan became very much excited, but Blaine kept the letters, and went away with them in his possession.

This was the story that Mr. Hunton told on the floor of the House of Representatives, and Mr. Blaine, sitting there and hearing it, offered no contradiction or explanation.

Mr. Knott then made a statement. He said that he had received a cable despatch signed Josiah Caldwell. It was dated London, and contained the statement that he (Caldwell) had not let Mr. Blaine have any bonds, and that he would send an affidavit to that effect to the judiciary committee. Mr. Knott said that he had not suppressed the despatch, as he had shown it to several of his friends, but as it bore no address in London he did not know whether it was false or genuine.

Thus ended what one of the Representatives present called "a most remarkable legislative scene." The House was greatly excited all through it, and the Speaker had very hard work to preserve order.

As soon as it was known that Mr. Blaine was not nominated by the Republican National Convention, which met at Cincinnati a few days after the above occurrence, the judiciary committee dropped its investigation and never resumed it.

Mr. Blaine entered the Senate in December, 1876, having been appointed by the Governor of Maine to fill the vacancy caused by the resignation of Senator Lot M. Morrill, who had become Secretary of the Treasury, and continued as a Senator until 1881, when he became Secretary of State in President Garfield's Cabinet, resigning shortly after Garfield's death.

He was the Republican candidate for President in 1884, but failed of election. In 1889 he became Secretary of State in the administration of President Harrison. He died in Washington on January 27, 1893.

Mr. Blaine was not a polished orator, careful of the rhythm of his sentences and the grace of his manner, but his speech-making was earnest, sometimes impassioned, and always interesting and effective. His speeches, both on and off the floor of Congress, were very popular with the masses. He usually wrote out his important utterances, but his wonderful memory served to give the impression that he spoke without formal preparation. After reading over a written speech a single time, like a proof-reader seeking for errors, he could deliver the speech correctly without once looking at his manuscript. He was winning in manner—"magnetic," if you will—refined in his tastes, choice in his conversation, and had a remarkable buoyancy of spirits which enabled him to endure without serious depression "the slings and arrows of outrageous fortune." He was of rather more than medium height, and had a well-developed body, and a pleasing, strong, intellectual face. He always wore a mustache and full beard, and in later years his beard and hair were almost white. He received every one with simplicity, and never assumed undue dignity or hauteur. He was greatly esteemed by the majority of the Republican party, and was regarded by many as the ablest of the statesmen of the times. As a statesman he had rare sagacity, astonishing power of organization, and quickness of perception as to the trend of public affairs, and was thoroughly American in his feelings and desires.

Roscoe Conkling, of New York, was born in Albany, N. Y., on October 30, 1829. Alfred Conkling, an eminent jurist, a Representative in the Seventeenth Congress, and the American Minister to Mexico during the administration of President Fillmore, was his father. After an academic education, and when twelve years old, Roscoe began the study of law in his father's office, and completed his law studies in the Utica office of Francis Kernan, afterwards his colleague in the United States Senate. On the very day that he became of age he was ad-

mitted to the bar in Utica, where he made his home. He was successful as a lawyer, and successful also in local politics. In 1858 he was elected Mayor of Utica, and in the fall of the same year was chosen as a Republican to the national House of Representatives. He took his seat in the Thirty-sixth Congress in December, 1859, and served until 1863. He was beaten in the race for the Thirty-eighth Congress, but succeeded in being elected to the Thirty-ninth Congress, which began in December, 1865. From 1867 to 1881 he was a member of the Senate. He then retired from public life, practised law in the city of New York, and died there on April 18, 1888.

Mr. Conkling had not been in Congress long when he attracted attention by his ability. He was a tall well-dressed young man, with a handsome face and bright, piercing eyes; he had a clear, ringing voice, and was bold and aggressive. He was a staunch Union man, and all through his early service in the House of Representatives during the war period he gave earnest support to the government in its efforts to suppress the Southern rebellion. He speedily made his way into the front rank of the Republican statesmen, served on important committees, took a leading part in the great debates, and won national fame for his genius and brilliancy. When he became a Senator he strongly supported Grant's administration, and directed its policy to a considerable extent.

While in the Senate Mr. Conkling won distinction for his superb oratory. Usually he would wait until every one else had spoken, listening attentively to what was said, and making copious notes. Then, with the entire debate thoroughly mastered, he would write out his speech in full and commit it to memory with the utmost care. He never brought the manuscript of a speech to the Senate Chamber, and, in consequence, was believed by many to be an extemporaneous speaker. He would quote long passages from the speeches of others, and was given the credit of possessing a remarkably tenacious memory. As an orator he was elaborate and rhetorical, and had a stately, graceful manner which made his melodious flow of language very impressive.

Mr. Conkling had an extraordinary gift of sarcasm, which

at times he used unsparingly. He was conceited, imperious, quick-tempered, and frequently gave offence to his most intimate friends; and, it is likely, by acerbity of temper he failed to accomplish in the political world all that was expected of a man of his ability.

The memorable legislative rencontre between Mr. Blaine and Mr. Conkling, which made them enemies for life, occurred in the House of Representatives of the Thirty-ninth Congress, in 1866. On the 24th of April of that year, while a bill to reorganize the army of the United States was under consideration in the House, Mr. Conkling moved to strike out the section providing for a continuance of the Bureau of the Provost-marshal-general. He spoke in severe terms of the management of the bureau during the war by General Fry, who was at its head, and said, "My objection to this section is that it creates an unnecessary office for an undeserving public servant."

Mr. Blaine answered Mr. Conkling, and warmly eulogized General Fry. Mr. Conkling made this rejoinder to Mr. Blaine's remarks:

"If General Fry is reduced to depending for vindication upon the gentleman from Maine, he is to be commiserated certainly. If I have fallen to the necessity of taking lessons from that gentleman in the rules of propriety, or of right or wrong, God help me."

Mr. Blaine called this remark "cheap swagger," and the matter went over. On the 30th of April Mr. Blaine obtained leave to read in the House a letter he had received from General Fry, defending himself from what he called a "calumnious attack on me." In the letter he stated that Conkling had received a fee of \$3000 for acting as a temporary United States judge-advocate in certain cases in the State of New York concerning soldiers who had deserted from the army, while at the same time he was drawing a salary as a member of Congress.

This statement brought Conkling to his feet, and he made a long and passionate speech about the matter. He said some sarcastic things about "the gentleman from Maine," and when he had finished Mr. Blaine responded as follows:

“As to the gentleman’s cruel sarcasm, I hope he will not be too severe. The contempt of that large-minded gentleman is so wilting; his haughty disdain, his grandiloquent swell, his majestic, supereminent, overpowering, turkey-gobbler strut has been so crushing to myself and all the members of this House, that I know it was an act of temerity for me to venture upon a controversy with him. But, sir, I know who is responsible for all this. I know that within the last five weeks, as members of this House will recollect, an extra strut has characterized the gentleman’s bearing. It is not his fault; it is the fault of another. That gifted and satirical writer, Theodore Tilton, of the New York *Independent*, spent some weeks recently in this city. His letters published in that paper embraced, with many serious statements, a little jocose satire, a part of which was the statement that the mantle of the late Winter Davis\* had fallen upon the gentleman from New York. The gentleman took it seriously, and it has given his strut additional pomposity. The resemblance is great. It is striking. Hyperion to a satyr, Thersites to Hercules, mud to marble, a dunghill to a diamond, a singed cat to a Bengal tiger, a whining puppy to a roaring lion. Shade of the mighty Davis, forgive the almost profanation of that jocose satire.”

Blaine and Conkling were then both young men—both impetuous, easily provoked to anger, courageous, and ambitious of leadership in the Republican party. This paltry collision of two bright intellects, which should have been laughed at and forgotten in a few hours, engendered a bitter feud, which lasted until the grave closed over them, and cast a shadow and a blight over their lives. It is thought to have prevented both of them from becoming President of the United States. Each always worked against the other in the political field. Their friends frequently attempted to reconcile them, but always in vain. When Judge David Davis left the bench of the Supreme Court of the United States to become a Senator, he made several ineffectual attempts to bring Blaine and Conkling together. One

\* Henry Winter Davis, of Maryland, who died in 1865. Mr. Davis was famed for his brilliancy and eloquence in the Thirty-eighth Congress.

day the two relentless foes accidentally met in Davis's committee-room in the Capitol. It was the occasion that he had long sought, and he was delighted. "Now, look here," he said, in his hearty, familiar way, as the distinguished men stood silent before him, "you two fellows have been enemies long enough, and it's time you made up. You are both good friends of mine, and you ought to be good friends of each other. Now, I want you to shake hands, and I'll bless you."

Blaine and Conkling, evidently touched by the sympathy and sincerity of Senator Davis, whom they honored and loved, actually did shake hands and speak for the first time in many years, but they were not reconciled. They never recognized each other again.

The "Father of the Senate" was Henry B. Anthony, of Rhode Island. From 1859 until his death, on September 2, 1884, Mr. Anthony was a member of the Senate—serving twenty-five years and six months. His last term did not expire until 1889. In 1869 and 1871 he was chosen president *pro tempore* of the Senate. Mr. Anthony was born at Coventry, R. I., in 1815. His ancestors were Quakers. After graduating from Brown University he entered the manufacturing business, and five years later became the editor and one of the owners of the *Providence Journal*. In 1849 Mr. Anthony was elected Governor of Rhode Island, and was re-elected in 1850. He continued his work as a journalist, and also became a prominent factor in State politics. He was elected to the United States Senate as a Republican for the term beginning in 1859, and was re-elected in 1864, 1870, 1876, and 1882. The veteran Senator was a man of large intellectual powers, eloquent as a speaker, genial as a companion, and popular with all classes. For many years, as chairman of the Senate committee on printing, he had virtual charge of the immense printing system of the government, involving the expenditure of more than two millions of dollars a year. He was a large, fine-looking man, with a kindly expression on his face.

William D. Kelley, of Pennsylvania, was for a long time the "Father of the House." He was the champion on the Republican side of the high protective tariffs, and a statesman of cult-

ure and ability. He was born in Philadelphia in 1814, and in his youth had a severe struggle with poverty. When eleven years old he was obliged to leave school and earn his own living. He worked at umbrella-making, was copy-reader in a printing-office, and finally was apprenticed to the watch-making trade. He was a hard student of the best books in his leisure hours, and when he had completed his apprenticeship he went to Boston and worked as a watch-maker until he had saved money enough to enable him to enter a law-school in his native city. After he had become a lawyer he speedily gained a good position at the bar, was appointed public prosecutor, and, later, a judge of a Philadelphia court. He entered politics as a Democrat and free-trader, but in 1854 he joined the Republican party, and became noted as an ardent abolitionist and protectionist. In 1861 he entered the Thirty-seventh Congress as a Representative, and until his death, in 1890, he continuously represented the same district in the city of Philadelphia. He was elected fifteen times, and served in the House of Representatives for more than twenty-nine years.

Mr. Kelley had great working capacity, was a ready, interesting speaker and a capable controversialist. He was a plain, rather brusque man, deeply informed about tariff matters, and a student in several lines of literature. He gave invaluable service to his party and to the country, and won respect and admiration.

John Sherman, of Ohio, whose name is inseparably connected with the financial legislation of the country during and after the Civil War, began his long career in Congress as far back as December 3, 1855, when he became a member of the House of Representatives of the Thirty-fourth Congress, at the age of thirty-one. His father, Charles R. Sherman, a judge of the Ohio Supreme Court, came of the New England Shermans, distinguished in colonial and revolutionary days. John was born on May 10, 1823, at Lancaster, O., and received his education at an academy in the town. By the time he was sixteen years old his father had died, leaving a large family in straitened circumstances, and John, desiring to become self-supporting, did not take a collegiate course, but began to make



his own way in the world. He worked at surveying and other things until he found an opportunity to read law in his brother Charles's office, at Mansfield, O. After he was admitted to the bar he was in partnership with his brother for a time. He became known as an ambitious Whig politician, took part in conventions, and in 1852 was a candidate for Congress, but was defeated. Two years later he entered the congressional lists again, and this time carried off the prize. He was re-elected to the House of Representatives in 1856, 1858, and 1860, and when the Civil War began he had had a congressional experience of six years, and had made himself famous as a capable statesman.

In 1859 the Republicans, who had a majority in the House of Representatives of the Thirty-sixth Congress, nominated Mr. Sherman for Speaker; but when some of the prominent men of the party, who were ardent abolitionists, ascertained that their candidate had no sympathy with abolitionism, although he was opposed to the extension of slavery, they made a stand against him, and prolonged the speakership contest for more than eight weeks. Finally Mr. Sherman retired, and William Pennington, of New Jersey, was elected Speaker by the Republicans. Mr. Sherman was placed at the head of the committee on ways and means, and at once entered upon the study of the leading economic questions in order to qualify himself for the important position he had been called to fill.

Mr. Sherman was elected to the Senate by the Ohio Legislature, and took his seat on March 4, 1861, as the successor of Salmon P. Chase, who had been appointed Secretary of the Treasury by President Lincoln. He remained in the Senate until 1877, when he entered President Hayes's Cabinet as Secretary of the Treasury. During the greater part of his long senatorial service he was chairman of the Senate committee on finance. He greatly aided the government during the war in its financial measures. It was mainly through his efforts that the bill authorizing the issue of "legal-tender" Treasury notes was carried through Congress, and he also strenuously urged the passage of the bill to establish the national banking system. After the war he was the chief agent in bringing about the re-

sumption of specie payments, and while Secretary of the Treasury directed the refunding of the war debt.

In 1881 Mr. Sherman was again elected to the Senate, and was re-elected in 1886 and in 1892. This tall, slim, dignified man of distinction, with a shrewd intellectual face "bearded like a pard," is entitled to a high place on the roll of great American statesmen. His long experience in weighty matters of legislation, his forcible way of speaking, and his strong intellectual quality place him upon an elevation not reached by many of his associates in Congress.

The well-known and often-quoted political phrase "mending his fences," or "looking after his fences," which means that a statesman is engaged in doing work which will advance his political interests, originated with Mr. Sherman. While he was holding the position of Secretary of the Treasury it was understood that he was forming plans to succeed Mr. Hayes as President. He visited his home at Mansfield, O., shortly before the meeting of the Republican National Convention of 1880, and while there his neighbors and old friends, together with several newspaper men, gathered at the hotel where he was staying and called for a speech. Mr. Sherman responded to the request, and spoke pleasantly for a few minutes. In the course of his remarks he denied the current report that he had come to Mansfield to promote his nomination as President, and declared that he had come home only "to mend my fences, which are greatly in need of repair." The newspaper men took up the phrase, and it speedily became a proverb for mending political fences.

Among the distinguished Republicans of the House of Representatives was James A. Garfield, of Ohio, afterwards the twentieth President of the United States. He was one of the best debaters in Congress—a cultured, bright statesman of great popularity. He was born in Orange Township, Cuyahoga County, O., in 1831, in a log-cabin in the depth of the wilderness. His father was a poor struggling farmer, and James could obtain no education in his boyhood save what he gave himself. He worked as a carpenter and as a canal-boatman, and by the hardest labor and severest economy prepared himself for college.

After graduating from Williams College when he was twenty-five years old, he became a tutor at Hiram College, in Ohio, and eventually its president. He became a lawyer, was elected to the Ohio Legislature, and in 1861 went to the war as colonel of an Ohio regiment. For gallant services he was commissioned a brigadier-general. In 1863 he entered the national House of Representatives to represent the district in Ohio so long represented by Joshua R. Giddings, and retained his seat until 1881, serving from the Thirty-eighth to the Forty-sixth Congress. In January, 1880, he was elected to the Senate for the term beginning in March, 1881, but did not take his seat, as in November, 1880, he was elected President of the United States.

In his personal appearance Mr. Garfield was imposing. He was fully six feet in height, broad shouldered and squarely built, and always appeared in robust health. He had a large head, light-brown hair and beard, blue eyes, and a prominent nose. His face was expressive of noble qualities. He was frank and easy in manner.

A Democrat of great ability was Samuel S. Cox, of New York. He was born at Zanesville, O., in 1824. His father was a distinguished Ohio editor, and also for a long time clerk of a court in Muskingum County. After an academic education Samuel entered Brown University, from which he was graduated with high honors in 1848. He became a lawyer, and practised his profession until 1853, when he purchased the *Ohio Statesman*, a Democratic newspaper published in Columbus, O., and was its editor until he was sent by President Pierce to Peru on a diplomatic mission. When he returned to the United States he was elected to Congress from the Columbus District, and served in the House of Representatives from 1857 to 1865. He then removed to the city of New York, and in 1868 was elected to Congress to represent a district in the metropolis. He entered the Forty-first Congress as a Representative of New York, and was continued in the position until the Forty-ninth Congress, when he resigned and went to Turkey as the American Minister. After a year in Turkey he returned to New York in 1886, and was again elected to Congress, and re-elected in 1888. He died in New York in 1889.

Mr. Cox's service in Congress covered a lengthy period and one full of important legislation, in all of which he participated. He early made himself prominent in the House of Representatives, and was known as a statesman of culture, force, and remarkable natural gifts. He was a fluent debater, and always seemed to have something to say right to the point, and of the best quality. The driest subjects were made interesting by his agreeable presentment of them. He was often witty and merry in his speeches, as he had a natural fund of humor and a genial temperament, and gave free vent to his jovial feelings on occasions. He was an insatiable reader, had a marked literary talent, and wrote a number of popular books.

A great force in national legislation for many years was Samuel J. Randall, of Pennsylvania—the sturdy, reliable Democrat, whose honesty of purpose was never questioned during his long service in the House of Representatives. Mr. Randall was born in Philadelphia on October 10, 1828. After an academic education he became a clerk in a dry-goods store, and subsequently established a business in iron. He became a local politician, served in the legislature, and achieved some fame for his shrewd and common-sense views of public matters. He began as a Whig, and then turned Democrat. He was a Democrat, however, with a belief in the protective policy, and all through his congressional life he advocated a high protective tariff, and in this respect was constantly at variance with his party. In 1861 he went to the war as a private in the First City Troop, of Philadelphia, which was enlisted in the service of the government as the Second United States Cavalry and served in the field for three months. He was elected to represent a Philadelphia district in the Thirty-eighth Congress, which met on December 7, 1863, and continued to represent this district until his death in Washington on April 13, 1890. His actual unbroken service in the House of Representatives covered a period of more than twenty-six years.

When the "political tornado" in the fall of 1874 swept the Republicans from the control of the House of Representatives of the Forty-fourth Congress and placed the Democrats in power for the first time in fourteen years, Michael C. Kerr, of

Indiana, was chosen Speaker. Mr. Kerr died during the first year of the Congress, and Mr. Randall was elected Speaker to fill the vacancy, and was re-elected Speaker of the Forty-fifth and Forty-sixth Congresses. He presided over the House with ability, and was noted for his impartial decisions. He was simple in manner, and always courteous. He was not a finished orator or a particularly scholarly man, but his speeches were usually effective because he was earnest and sincere.

Allen G. Thurman, of Ohio, had a long and distinguished career in Congress, and was counted among the ablest of the Democrats. He was born at Lynchburg, Va., on November 13, 1813, and when six years old was taken by his parents to Chillicothe, O. After a common-school education he studied law in the office of his uncle William Allen, famous in Congress and elsewhere as "Uncle Bill Allen," and became a successful lawyer. He was elected a Representative to the Twenty-ninth Congress, which began on December 1, 1845. When he had finished his congressional term he was elected a judge of the Supreme Court of Ohio, and sat on the bench for five years, during two of which he acted as Chief-Justice. He was elected to the United States Senate, and entered upon his duties there in 1869. For twelve years he was prominent in the Senate. He obtained fame as a forcible debater and a sagacious statesman. He performed arduous labor on the judiciary committee, making a notable fight to compel the Pacific railroads to keep faith with the government. He secured the passage of what is called the Thurman Act, under the provisions of which the Pacific railroads are required to have a sinking-fund for the payment of their obligations to the United States.

Mr. Thurman's senatorial career closed in 1881. He had been noted as an orator and a clear, practical thinker, and he retired from national legislation with the respect of all.

Each Congress from the Forty-first to the Forty-ninth had from one to six negro members from the South. The first negro to sit in either house was H. B. Revels, of Mississippi, who was elected short-term Senator when Mississippi was readmitted to the Union, and served in the Senate from February 25, 1870, to March 3, 1871. Senator Revels was a Methodist clergyman,

forty-eight years old, and was born free. During the war he had preached, and had organized a number of colored regiments. After the war he rose to great prominence in State politics, and had the controlling influence in certain negro districts. He made no marked impression in the Senate.

The first negro to sit in the House of Representatives was Joseph H. Rainey, of South Carolina, a man of great ability. He was the child of slave parents who had earned their freedom. He served the Union cause during the war. He took his seat in Congress in 1870, and served for nine years. He was a glowing orator, and often held the House entranced with his eloquence.

Blanche K. Bruce, who was born a slave in Virginia in 1841, was the second and last colored Senator. He represented the State of Mississippi, and from 1875 until 1881 was an able member of the Senate, and doubtless the most popular negro who has ever sat in Congress. In Mississippi he had been a prominent politician before he came to the Senate, and had filled the offices of tax-collector, sheriff, and sergeant-at-arms of the State Senate. After his senatorial term President Garfield appointed him Register of the Treasury, and he held the office for more than four years. His name is to be found upon thousands of government notes.

Other prominent negro members of Congress at this period were Robert Smalls and Robert B. Elliott, of South Carolina, and John R. Lynch, of Mississippi.

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## CHAPTER XXXI

Disordered Condition of Affairs in the South.—Presidential Election of 1876.—The Hayes-Tilden Complication.—The Electoral Commission and its Work.—The Bland Silver Bill.—“Stalwarts” and “Half-breeds.”—Conkling’s Resignation from the Senate.—The Tariff Act of 1883.—Civil Service Reform.—Morrison’s Tariff Bill.—The French Spoliation Claims.—The Presidential Campaign of 1884.—The Democrats Obtain Possession of the Government.

THERE was a very disordered condition of affairs in the Southern States for a long time after they had been readmitted to the Union. The State governments established in the South were commonly called “carpet-bag governments” by the “reconstructed” part of the population, because their principal officials were largely Northern men elected by the aid of the colored people and the federal troops stationed everywhere in the region to preserve order. It was declared that most of these governments existed only for plunder. There was much political strife in Mississippi, Arkansas, and Louisiana. Gross frauds in the elections were charged, and horrible stories of outrages and massacres of negroes were current. For several years it was very evident that the strong hand of the federal government was needed in certain sections of the South to sustain the civil authority and secure the rights of all. By the time of the presidential election of 1876 the “conservative Democrats,” as they called themselves, had obtained control in most of the Southern States, and there was an improvement in the civil rule.

The new Greenback-Labor party, which had sprung into existence in 1874, and which believed that an unlimited issue of paper money by the government would be a sure remedy for all the economic troubles, was the first to hold a national convention to select presidential candidates for 1876. The

Greenbackers met at Indianapolis on May 17th, assumed the name of Independent-National party, and nominated Peter Cooper, of New York, for President, and Samuel F. Cary, of Ohio, for Vice-President. Their platform stated that the party had been "called into existence by the people, whose industries are prostrated, whose labor is deprived of its just reward by a ruinous policy which the Republican and Democratic parties refuse to change." The repeal of the Specie Resumption Act was demanded, and the belief was expressed "that a United States note, issued directly by the government, and convertible, on demand, into United States obligations, bearing a rate of interest not exceeding one cent a day on each one hundred dollars, and exchangeable for United States notes at par, will afford the best circulating medium ever devised. Such United States notes should be full legal tender for all purposes, except for the payment of such obligations as are, by existing contracts, especially made payable in coin; and we hold that it is the duty of the government to provide such a circulating medium."

The Republicans began their convention at Cincinnati on June 14. When the balloting for candidates for President was begun it was found that James G. Blaine had a strong lead of the eight other candidates. For six ballots he received 308 votes, but on the seventh ballot his opponents combined, and succeeded in nominating Rutherford B. Hayes, of Ohio, by 384 votes, to 351 for Blaine and 21 for Roscoe Conkling. William A. Wheeler, of New York, received the nomination for Vice-President. The Republicans in their platform declared that "the permanent pacification of the Southern section of the Union, and the complete protection of all its citizens in the free enjoyment of all their rights, is a duty to which the Republican party stands sacredly pledged." It was charged that the Democratic party was the "same in character and spirit as when it sympathized with treason," and that it was "false and imbecile upon the overshadowing financial questions," and that it had proclaimed itself, "through the period of its ascendancy in the lower house of Congress, utterly incompetent to administer the government," and the country was warned against



"trusting a party thus alike unworthy, recreant, and incapable."

On June 28th the Democratic National Convention was held at St. Louis, and on the second ballot Samuel J. Tilden, of New York, was nominated for President by 535 votes to 203 votes for the other candidates. Thomas A. Hendricks, of Indiana, was nominated for Vice-President. In their platform the Democrats declared that the administration of the federal government was in "urgent need of immediate reform," and they appealed to their "fellow-citizens of every former political connection to undertake, with us, this first and most pressing patriotic duty." After denouncing the "abuses, wrongs, and crimes," which, they avowed, were "the product of sixteen years' ascendancy of the Republican party," they said: "Reform can only be had by a peaceful revolution. We demand a change of system, a change of administration, a change of parties, that we may have a change of measures and of men."

Two other parties, founded on the prohibition of the "importation, manufacture, and sale of intoxicating drinks as a beverage," also had presidential candidates in the field—the Prohibition Reform party and the American party. The first had Green Clay Smith, of Kentucky, and Gideon T. Stewart, of Ohio, as standard-bearers, and the second had James B. Walker, of Illinois, and Donald Kirkpatrick, of New York.

The presidential election on the 7th of November, 1876, resulted in a complication which was provocative of a dangerous excitement throughout the country. The Democrats undisputedly carried the elections in Connecticut, New York, New Jersey, Indiana, and all the Southern States except South Carolina, Florida, and Louisiana. They obtained 184 electoral votes. The Republicans were successful in South Carolina, and in all the Northern States except the four named above. They obtained 172 electoral votes. The Greenbackers obtained a popular vote of 81,740, the Prohibition Reform party obtained a popular vote of 9522, and the American party obtained a popular vote of 2636.

The Democrats claimed that they had carried Florida and Louisiana on the face of the returns, but the returning boards

of those states, acting under the authority given them by the laws creating the boards, threw out the votes of certain districts on the ground of frauds, violence, and irregularities, and gave the states to the Republican electors on the final count. It was asserted by the Democrats that the returning boards had no right to go behind the face of the returns, which showed a large Democratic majority.

In Oregon it was discovered that one of the three Republican electors chosen was a federal officer, and, therefore, under the law, he was ineligible. Thereupon the Democratic governor of the State gave certificates of election to only two of the Republican electors, giving the third certificate to a Democratic elector. The Oregon Secretary of State, however, gave certificates of election to all three of the Republican electors. He was the State canvassing officer, and it was claimed that his certificates were the legal ones.

This is the way the matter stood. There were 389 electoral votes in all. Tilden had 184, one less than a majority; Hayes had 172, and needed thirteen more in order to be elected. Tilden could be elected with the one Democratic electoral vote of Oregon certified by the governor, if the vote should be allowed; but Hayes required the four votes of Florida, the eight votes of Louisiana, and the one disputed vote of Oregon to elect him.

When the weighty problem of the presidential succession came before Congress, it was very clear that this body would not be able to solve it in any ordinary way. The Senate was Republican, and the House was Democratic, and a strong partisan feeling prevailed. The Republicans, very naturally, fully supported the returning boards of Florida and Louisiana in the position they had taken that the laws under which they received their authority gave them absolute power "to go back of the returns," if it were evident that the voting in any district had been done "amidst scenes of violence and intimidation." The Democrats maintained that the returning boards had wrongfully thrown out a great many Democratic votes to which no honest objection could have been made. They proclaimed a belief that the boards were the tools of the Republican party,

which was bound to steal the presidency, they were very free to declare, if it could in any possible way.

Exciting speeches almost without number were made upon every conceivable phase of the electoral complication from the opening day of the Forty-fourth Congress, in December, 1876, to the latter part of January, 1877, when the Electoral Commission plan was adopted. The excitement was intense in Congress and in all parts of the country, and there was grave apprehension that another civil war might result from the passion and bitter feeling constantly displayed. A great relief was felt when Congress passed the act creating the Electoral Commission, to which was delegated the same powers possessed by the two houses of Congress, "acting separately or together," to decide which was "the true and lawful electoral vote" of each State in dispute. The decisions of the commission could be reversed only by the concurrent action of both houses of Congress. The Electoral Commission Act was approved by President Grant on the 29th of January, 1877.

The Electoral Commission comprised fifteen members—five each from the Senate and the House (chosen by a *viva voce* vote of the members), and five justices of the Supreme Court of the United States. The members were as follows:

Senators—George F. Edmunds, Oliver P. Morton, Frederick T. Frelinghuysen, Thomas F. Bayard, Allen G. Thurman.

Representatives—Henry B. Payne, Eppa Hunton, Josiah G. Abbott, James A. Garfield, George F. Hoar.

Justices—Nathan Clifford, William Strong, Samuel F. Miller, Stephen J. Field, Joseph P. Bradley.

The commission began its sessions in the chamber of the Supreme Court in the Capitol on the 1st of February. It first considered the three sets of returns from Florida. The first set comprised the returns made by the State Returning Board, after it had thrown out the votes of certain districts declared to be fraudulent. With these returns was the result of the vote cast by the Hayes electors, which was certified by Governor Stearns, who was the Governor of Florida in 1876. The second set contained the result of the vote cast by the Tilden electors, and was certified by the Attorney-general of Florida,

the popular vote being given as a basis for the claim that the Tilden electors were actually elected. The third set was nearly the same as the second, except that it was the result of a re-canvass of the popular vote which had been made on January 17, 1877, according to the provisions of the State law concerning elections. This set was certified by the new Governor of Florida, who had gone into office at the beginning of the year.

Long and elaborate arguments were made by able counsel for both the Republicans and the Democrats. It was held by the counsel for the former that the commission had no right to canvass the popular vote of Florida, but must confine itself entirely to the electoral votes, and decide whether the Governor of Florida had certified those electors which the State Returning Board had declared elected. It had no right to examine into returns made in proper form. The Democrats maintained that the commission did have a right to examine into the returns, because the returning board had illegally thrown out votes which had been cast in certain districts in the State in an entirely legal manner.

On the 9th of February the commission decided, by a vote of 8 to 7, that the first set of returns from Florida was the legal one. The electoral vote of the State was therefore given to Hayes.

The three returns from Louisiana were next considered. The first set contained the result of the regular canvass made by the State Returning Board, together with the votes of the Hayes electors. These returns were certified by Governor Kellogg. The second set, which contained the votes of the Tilden electors based on the actual popular vote, bore the certification of John McEnery, who claimed to be the rightful Governor of Louisiana. The third set was almost identical with the first set.

About the same kind of arguments were made in this case. The commission on February 16th declared, by a vote of 8 to 7, that the first set of returns was the legal one. The electoral vote of Louisiana was therefore given to Hayes.

The Oregon returns were decided in favor of the Republicans, as were also the returns from South Carolina, which the

Democrats, while conceding the election of the Hayes electors, determined almost at the last moment to dispute, on the ground that the Republicans had carried the election in the State by military influence. The doubtful electoral votes were all given to Hayes, and he was declared elected President of the United States by 185 votes to 184 for Tilden. The commission was dissolved on the 2d of March.

Congress did not reverse the decision of the Electoral Commission, and on March 5 (the 4th coming on Sunday), 1877, Mr. Hayes was inaugurated President at Washington.

President Hayes was born at Delaware, O., on October 4, 1822. After graduating from Kenyon College, at Gambier, O., he studied law for a time at Columbus, and then took a full law course of three years at Harvard University. He began the practice of his profession at Fremont, O., and subsequently removed to Cincinnati, where he built up a large law business. At the beginning of the Civil War he joined an Ohio regiment of volunteers, and served in the Union army until the surrender of Lee. He entered the army as major and left it as brevet major-general, having received promotion for extraordinary gallantry on the field of battle. He entered Congress in December, 1865, and served for two terms in the House of Representatives. Subsequently he became Governor of Ohio.

The Forty-fifth Congress, in February, 1878, passed over the President's veto what is called the Bland Silver Bill, which provided that the coinage of the standard silver dollar, which had been suspended by the act of 1873, should be resumed in all the national mints. It was provided that not less than \$2,000,000 or more than \$4,000,000 should be coined monthly. By the act of 1873, which demonetized silver, the standard dollar of 412½ grains was left out of coinage, and the trade dollar of 420 grains was made a legal tender to the amount of five dollars. The act originated with the finance committee of the Senate, of which John Sherman was chairman. When the act was passed silver was at a slight premium, but this condition of the silver market was shortly afterwards changed by the greater production of silver in the West.

During the Hayes administration specie payments were resumed, affairs in the South were greatly improved, and various reforms begun in the government departments. On the 4th of March, 1881, President Hayes was succeeded by James A. Garfield, who received 214 electoral votes for President, to 155 votes for General Winfield S. Hancock, the candidate of the Democratic party. On July 2, 1881, President Garfield was shot in Washington by Charles J. Guiteau, a half-crazed, disappointed office-seeker, and died on the 19th of September, when Vice-President Chester A. Arthur, of New York, became President.

President Arthur was born in Vermont in 1830. He was graduated from Union College, studied law and began its practice in the city of New York. He was Quartermaster-general of the State of New York during the Civil War, and achieved distinction by his able performance of the arduous duties of that office. In 1871 he was appointed Collector of the Port of New York, and held the position until 1878.

It was during Garfield's brief administration that the two factions of the Republican party known as Stalwarts and Half-breeds had the memorable quarrel in regard to the division of the federal offices. These factions had been formed at the time of the Republican National Convention of 1880. The Stalwarts, led by Senator Roscoe Conkling, had persistently urged the nomination of Grant for President. They called themselves "thorough, full-blooded Republicans," and declared that all the members of the party who were opposed to the nomination of Grant were only Half-breeds. The Half-breeds were in favor of the nomination of Blaine, and Garfield was of their number. The factional names were retained after the question of the presidency had been decided. The Stalwarts were Conkling men, and the Half-breeds were Blaine men. Shortly after Garfield had become President, with Blaine as his Secretary of State, the Stalwarts began to complain that the Half-breeds were getting most of the good offices, and they proceeded to berate the President for his partiality. The President was disposed to do right, but he did not like the factional quarrel about the offices, and thought that the dissensions in the

party ought to be healed. In the matter of the New York appointments he voluntarily assured Mr. Conkling, who had made a vigorous campaign for the Republican ticket, that he should select only those persons who were acceptable to the New York Senators. He made five appointments of Conkling men, which called forth an emphatic protest from the anti-Conkling faction, and then, it is believed, in order to quiet the hard feeling that had been aroused, he sent to the Senate on the 23d of March, 1881, the nomination of William H. Robertson, the leader of the Blaine faction in New York, to be Collector of the Port of New York.

The Stalwarts were very indignant at this nomination, and a delegation of them waited on the President and informed him that, in their opinion, the appointment of Mr. Robertson would work injury to the Republican party in the State. The President resented this expression of opinion, and said that he did not intend to be dictated to, and that any Republican Senator who voted against the nomination would receive no favors from him.

Mr. Conkling and his colleague, Thomas C. Platt, then resigned from the Senate. In his letter of resignation Mr. Conkling said that President Garfield's action had brought up the question "whether we shall surrender the plain right and sworn duty of Senators by consenting to what we believe to be vicious and hurtful, or be assigned a position of disloyalty to the administration which we had helped to bring in, and the success of which we earnestly wished for."

Conkling and Platt expected to be re-elected to the Senate by the New York Legislature as an indorsement of the position they had taken, but they were disappointed. Two other men were chosen in their places after a strenuous legislative conflict. When Arthur became President he sought to heal the breach in the party, and succeeded to a certain extent. He was a Stalwart, but he gave special recognition to neither faction.

In May, 1882, Congress passed an act for the appointment of a commission of nine persons to consider tariff matters. The duties on imports then in force were yielding a revenue

more than sufficient for the needs of the government, and there was a demand for a reduction of what was denominated the "war tariff." The protectionists, while willing to agree to a plan of reduction, desired to have the protective principle retained, and for this reason favored the Tariff Commission. The commission visited the industrial centres and made a thorough investigation of the various manufacturing interests, endeavoring to ascertain how far the tariff could be reduced without inflicting damage upon any important line of manufactures. A large amount of testimony was taken. In December, 1882, the commission made a report to the House of Representatives of the result of its labor. Out of this report the House committee on ways and means formulated and reported a tariff bill which made an average reduction of about twenty per cent. Before the House had proceeded very far with this bill, the House bill reducing internal-revenue taxes came back from the Senate amended in such a way as to virtually revise the entire tariff system. The House threw aside its tariff bill, and passed the amended revenue-reduction bill, and this became a law in 1883. Under this law there was a moderate reduction of the tariff on the majority of the articles imported.

A Civil Service Reform Bill was passed by Congress in January, 1883. The bill originated with Senator George H. Pendleton, of Ohio, a Democrat. An attempt had been made in 1871 to reform the civil service of the government by selecting candidates for office by a system of competitive examinations, but Congress had refused appropriations to carry on the work, and it had been dropped. The Pendleton Bill passed the Senate on December 27, 1882, by a vote of 38 to 5. Twenty-three of the majority voting were Republicans, fourteen were Democrats, and one was an Independent. The minority were all Democrats. The bill passed the House of Representatives on the 5th of January, 1883, by a vote of 155 to 47. One hundred and one of the majority voting were Republicans, forty-nine were Democrats, and five were Independents. Seven of the minority were Republicans, thirty-nine were Democrats, and one was an Independent.



The bill was approved by President Arthur on January 16, 1883.

The Civil Service Act was intended "to regulate and improve the civil service of the United States," and in accordance with its provisions there has been established a system of regulated competition for the public offices. The Civil Service Commission, consisting of three commissioners, a chief examiner, and a secretary, has its headquarters at Washington. During each year examinations are held at Washington and elsewhere of all persons applying for positions in the classified departmental service, and in the customs and the postal service. Persons passing the examinations are eligible to positions, and receive appointments whenever there are vacancies in the government departments.

In the House of Representatives on March 11, 1884, a tariff bill was reported from the committee on ways and means making a twenty per cent. "horizontal reduction" of the duties on imports. The bill was called the "Morrison Bill," after William R. Morrison, of Illinois, chairman of the committee on ways and means. The bill was extensively debated, and on May 9th the House killed it by striking out the enacting clause by a vote of 159 to 155.

A bill submitting the French Spoliation Claims to the Court of Claims at Washington for investigation and settlement was passed by Congress in January, 1885. These claims, originally amounting to many millions of dollars, had been before Congress in one way or another for a long time. They arose out of the fact that between the years 1790 and 1800 French privateers seized and converted to the use of the French government twelve hundred vessels, with their cargoes, belonging to American citizens. These vessels were seized on the high sea because the United States preserved a neutral position, and would not assist France in her war with England. The French government claimed that by the Treaty of 1778, which established an "offensive and defensive alliance" between France and the United States, the latter country was bound to give the assistance called for. Not receiving any assistance, France, in retaliation, preyed on American commerce with the result

previously stated. When the American government demanded compensation for the spoliation of the ships of her citizens, the French government presented a counter-claim for compensation for the breach of the Treaty of 1778. Unless her claim were allowed, she would not allow the spoliation claims. In 1800 the United States and France framed a "convention of peace, commerce, and navigation," in which, for important diplomatic reasons, the claim of France for compensation was allowed to offset the spoliation claims of the citizens of the United States. The American government having thus assumed the spoliation claims, the claimants began to demand a settlement, but for more than forty years the demand was not considered. The government took a position regarding the claims which was practically a denial of its obligation to pay them. The original claimants died, but their heirs persistently continued to urge Congress to come to their relief. At last, in 1848, Congress passed an act to pay the claims, but it was vetoed by President Polk. A few years later a similar act was passed, but President Pierce vetoed that. After that time nothing further was done until 1885.

The presidential campaign of 1884 was full of excitement. The Republican candidates were James G. Blaine and John A. Logan; the Democratic candidates were Grover Cleveland and Thomas A. Hendricks. The Greenback or People's party had as candidates Benjamin F. Butler and A. M. West; the Prohibitionists had John P. St. John and William Daniel. The charges made in 1876 against Blaine were revived, and a number of prominent Republican newspapers and members of the party refused to support him on the ground that he was guilty of corrupt practices. These apostates were named "Mugwumps." They mostly supported Cleveland, whom they proclaimed to be "a true reformer, and better than his party."

The election in November was very close, and the result was not definitely known at once. New York was the pivotal State, and the final count there showed that Cleveland had carried it by a plurality of 1047 votes and was elected President. The vote in New York State was as follows: For Cleveland,

563,048 ; for Blaine, 562,001 ; for St. John, 25,001 ; for Butler, 17,002.

Cleveland carried Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia, securing 219 electoral votes. Blaine carried California, Colorado, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, and Wisconsin, securing 182 electoral votes.

The popular vote was as follows: Cleveland, 4,911,017; Blaine, 4,848,334; St. John, 151,809; Butler, 133,825.

On the 4th of March, 1885, Grover Cleveland was inaugurated President of the United States. He was the first Democratic President in a period of twenty-four years. It is estimated that two hundred thousand people gathered in Washington to witness his inauguration, which was a very magnificent and imposing ceremony.

President Cleveland was born in New Jersey in March, 1837. After an academic education he studied law, and began to practise in Buffalo, N. Y. He entered political life, served as sheriff for a time, and subsequently was elected Mayor of Buffalo on a reform ticket. In the fall of 1882 Mr. Cleveland, who had gained considerable fame on account of his reform measures, was placed in nomination by the Democrats for Governor of New York, and was elected by nearly 200,000 majority. He resigned the gubernatorial office to become President.

## CHAPTER XXXII

Various Important Measures of Legislation.—New States Admitted to the Union.—President Cleveland's Notable Message on Tariff Reform.—The Mills Tariff Bill.—Mills's Speech in Advocacy of his Low-tariff Measure.—The Presidential Election of 1888.—Return of the Republicans to Power.—The Fiftieth and Fifty-first Congresses.—The McKinley Tariff Bill.—McKinley's Speech on Protection to American Industries.—Passage of the McKinley Bill.—The Sherman Silver Purchase Act.—The Lodge Federal Election Bill.

THE new Democratic administration had the assistance of a Democratic majority in the House of Representatives of the Forty-ninth Congress, which began on March 4, 1885, but the Senate was Republican. In the Senate there were 42 Republicans and 34 Democrats, and in the House of Representatives there were 183 Democrats, 140 Republicans, and 2 Greenbackers. The Democrats had held the House since 1875, with the exception of the Forty-seventh Congress, from 1881 to 1883, in which the Republicans had a small majority. John G. Carlisle, the Democratic leader of the House, was elected Speaker of the Forty-ninth Congress. He had been Speaker of the preceding Congress, and was also Speaker of the Fiftieth Congress.

Mr. Carlisle was born on a farm in Kentucky on September 5, 1835. His father was a native of the State, and his mother was a native of Rhode Island. He received a limited common-school education, to which was added considerable private reading and study. He went to Covington, and modestly asked the school-board for a place as a teacher. He obtained the place, and for a short time was a pedagogue. Finding a chance to study law, he eagerly availed himself of it, and in 1858 he was admitted to the bar of his native State, and almost imme-

diately won success as a lawyer in the Covington courts. The political field attracted him, and he entered the Kentucky Legislature, speedily taking high rank in that body. He was elected Lieutenant-governor of Kentucky, and finally to the House of Representatives of the Forty-fifth Congress. From 1877 to 1890 he was a prominent Representative, and was held in high esteem by his party and the public. As Speaker he was just, impartial, and sagacious, and his rulings were always sustained. He controlled the House easily. In 1890 he was chosen to fill the vacancy in the Senate caused by the death of Senator Beck, and remained there until he became Secretary of the Treasury in 1893.

In February, 1885, Congress enacted a Contract Labor Law, which makes it unlawful for any person, company, or corporation to assist or encourage the importation or migration of any alien or aliens into the United States under contract or agreement to perform labor or service in the United States.

An act regulating the presidential succession was passed in January, 1886. It provides that in case of the removal, death, resignation, or inability of both the President and Vice-President, a member of the Cabinet shall, in the following order, act as President until the disability be removed or a President elected: The Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-general, the Postmaster-general, the Secretary of the Navy, the Secretary of the Interior.

In January, 1887, an Inter-State Commerce Act was passed. Under the act there was appointed an Inter-State Commerce Commission of five persons, with headquarters in Washington. The act prohibits unjust and unreasonable charges and discriminations by railroads and all common carriers conveying passengers and merchandise from one State to another. Various rules and regulations for the management of common carriers are prescribed.

An act establishing a Department of Labor in the city of Washington, under the charge of a Commissioner of Labor, was passed in September, 1888. The duty of the department is to

acquire and diffuse among the people of the United States useful information on subjects connected with labor.

An act to refund to the states and territories all moneys collected under the direct tax levied by the act of 1861 was passed in February, 1891. By the act more than \$15,000,000 has been refunded.

Other important measures passed by Congress at this period were several acts concerning the admission of Chinese to the United States, an act providing for the count of the electoral votes, an act providing for an international copyright, which took effect in July, 1891; and various acts in reference to trusts, immigration, pensions, and labor arbitration.

In 1889 the states of Montana, Washington, North Dakota, and South Dakota were admitted to the Union, and in 1890 the states of Idaho and Wyoming were admitted.

At the beginning of the annual session of the Fiftieth Congress, in December, 1887, President Cleveland, in his annual message, called the attention of Congress to "a condition of the national finances which imperatively demands immediate and careful consideration." He stated that "the amount of money annually exacted through the operation of present laws from the industries and necessities of the people largely exceeds the sum necessary to meet the expenses of the government." The President believed that this condition, if continued, would lead to financial convulsion and wide-spread disaster, and he urged that the tariff, which, he declared, produced "a congested national Treasury and a depleted monetary condition in the business of the country," should be reduced. He said:

"Our scheme of taxation, by means of which this needless surplus is taken from the people and put into the public Treasury, consists of a tariff or duty levied upon importations from abroad, and internal-revenue taxes levied upon the consumption of tobacco and spirituous and malt liquors. It must be conceded that none of the things subjected to internal-revenue taxation are, strictly speaking, necessities; there appears to be no just complaint of this taxation by the consumers

of these articles, and there seems to be nothing so well able to bear the burden without hardship to any portion of the people.

“But our present tariff laws, the vicious, inequitable, and illogical source of unnecessary taxation, ought to be at once revised and amended. These laws, as their primary and plain effect, raise the price to consumers of all articles imported and subject to duty by precisely the sum paid for such duties. Thus the amount of the duty measures the tax paid by those who purchase for use these important articles. Many of these things, however, are raised or manufactured in our own country, and the duties now levied upon foreign goods and products are called protection to these home manufactures, because they render it possible for those of our people who are manufacturers to make these taxed articles and sell them for a price equal to that demanded for the imported goods that have paid customs duty. So it happens that while comparatively a few use the imported articles, millions of our people, who never used and never saw any of the foreign products, purchase and use things of the same kind made in this country, and pay therefor nearly or quite the same enhanced price which the duty adds to the imported articles. Those who buy imports pay the duty charged thereon into the public Treasury, but the great majority of our citizens, who buy domestic articles of the same class, pay a sum at least approximately equal to this duty to the home manufacturer. This reference to the operation of our tariff laws is not made by way of instruction, but in order that we may be constantly reminded of the manner in which they impose a burden upon those who consume domestic products as well as those who consume imported articles, and thus create a tax upon all our people.

“It is not proposed to entirely relieve the country of this taxation. It must be extensively continued as the source of the government's income; and in a readjustment of our tariff the interests of American labor engaged in manufacture should be carefully considered, as well as the preservation of our manufactures. It may be called protection, or by any other name, but relief from the hardships and dangers of our present

tariff laws should be devised with especial precaution against imperilling the existence of our manufacturing interests. But this existence should not mean a condition which, without regard to the public welfare or a national exigency, must always insure the realization of immense profits, instead of moderately profitable returns. As the volume and diversity of our national activities increase, new recruits are added to those who desire a continuation of the advantages which they conceive the present system of tariff taxation directly affords them. So stubbornly have all efforts to reform the present condition been resisted by those of our fellow-citizens thus engaged, that they can hardly complain of the suspicion, entertained to a certain extent, that there exists an organized combination all along the line to maintain their advantage. . . .

“It is a condition which confronts us—not a theory. Relief from this condition may involve a slight reduction of the advantages which we award our home productions, but the entire withdrawal of such advantages should not be contemplated. The question of free trade is absolutely irrelevant; and the persistent claim, made in certain quarters, that all efforts to relieve the people from unjust and unnecessary taxation are schemes of so-called ‘free-traders’ is mischievous and far removed from any consideration for the public good. The simple and plain duty which we owe the people is to reduce taxation to the necessary expenses of an economical operation of the government, and to restore to the business of the country the money which we hold in the Treasury through the perversion of governmental powers. These things can and should be done with safety to all our industries, without danger to the opportunity for remunerative labor which our working-men have, and with benefit to them and all our people, by cheapening their means of subsistence and increasing the measure of their comforts.”

In accordance with the President’s recommendation, Roger Q. Mills, of Texas, chairman of the committee on ways and means, introduced in the House of Representatives on the 2d of April, 1888, a bill to reduce the tariff. The general debate on the Mills Bill began on April 17th, and continued for



twenty-three days and eight evenings. During "the great tariff debate of 1888," as it was called, the ablest speakers among the Democrats and the Republicans thoroughly discussed all phases of tariff taxation and protection. There were one hundred and fifty-one long speeches made. Mr. Mills, in introducing his bill, said :

"During our late Civil War the expenditures required by an enormous military establishment made it necessary that the burdens of taxation should be laid heavily in all directions authorized by the Constitution. The internal-revenue and direct taxes were called into requisition to supplement the revenues arising from customs, to aid the Treasury to respond to the heavy demands which were being daily made upon it. The duties on imports were raised from an average on dutiable goods of 18.84 per cent. in 1861 to an average of 40.29 per cent. during the five years from 1862 to 1866 inclusive. This was recognized at the time as an exceptionally heavy burden. It was stated by the distinguished gentleman who then presented to the House the bill so largely increasing the duties, and which to-day bears his honored name, that it was demanded by the exigencies of war, and must cease on the return of peace. In his own words he said, 'This is intended as a war measure, a temporary measure, and we must as such give it our support.' More than twenty years have elapsed since the war ended. A generation has passed away and a new generation has appeared on the stage since peace has returned to bless our common country ; but these war taxes still remain, and they are heavier to-day than they were on an average during the five years of the existence of hostilities. The average rate of duty during the last five years—from 1883 to 1887 inclusive—on dutiable goods amounts to 44.51 per cent., and during the last year the average is 47.10 per cent. Instead of the rate of taxation being reduced to meet the wants of an efficient administration of government in time of peace, it continues to grow and fill the coffers of the government with money not required for public purposes, and which rightfully should remain in the pockets of the people."

Mr. Mills said that the greatest evil inflicted by the high tariff was the destruction of the values of our exports. He continued :

“Remember that the great body of our exports are agricultural products. It has been so through our whole history. From 75 to over 80 per cent. of the exports of this country, year by year, are agricultural products. Cotton is first, then bread-stuffs, pork, beef, butter, cheese, lard. These are the things that keep up our foreign trade, and when you put on or keep on such duties as we have now—war duties, which were regarded as so enormous even in the very midst of hostilities that they were declared to be temporary—when you put on or retain those duties, they limit and prohibit importation, and that limits or prohibits exportation. It takes two to make a trade. All the commerce of all the countries of the world is carried on by an exchange of commodities—commodities going from the country where they are produced at the least cost to seek a market in those countries where they can either not be produced at all or where they can be produced only at the highest cost of production. We are the great agricultural country of the world, and we have been feeding the people of Europe, and the people of Europe have got to give us in exchange the products of their labor in their shops; and when we put on excessive duties for the purpose of prohibiting the importations of their goods, as a necessary result we put an excessive duty upon the exportation of our own agricultural products. And what does that do? It throws our surplus products upon our own markets at home, which become glutted and over-supplied, and prices go down. So it is with the people of Europe who are manufacturing and producing things that we cannot produce, but which we want. Their products are thrown upon their home markets, which are glutted and over-supplied, and their prices likewise go down. And whenever, from any cause, prices start up in Europe, our tariff being levied mainly by specific duties upon quantity, not upon value, the tariff goes down, and then we see large importation, and, as a result, large exportation. Then we see a rise in agricultural products; then we see the circulation of money all

through the whole of our industrial system; we see our people going to work, our manufactories starting up, and prosperity in every part of the land."

He declared that the protective system, which was often designated the "American policy," was not American. He said:

"It is the reverse of American. That policy is American which clings most closely to the fundamental idea that underlies our institutions and upon which the whole superstructure of our government is erected, and that idea is freedom—freedom secured by the guarantees of government; freedom to think, to speak, to write; freedom to go where we please, select our own occupations; freedom to labor when we please and where we please; freedom to receive and enjoy all the results of our labor; freedom to sell our products, and freedom to buy the products of others, and freedom to markets for the products of our labor, without which the freedom of labor is restricted and denied; freedom from restraints in working and marketing the products of our toil, except such as may be necessary in the interest of the government; freedom from all unnecessary burdens; freedom from all exactions upon the citizen except such as may be necessary to support an honest, efficient, and economical administration of the government that guarantees him protection to 'life, liberty, and the pursuit of happiness'; freedom from all taxation except that which is levied for the support of the government; freedom from taxation levied for the purpose of enriching favored classes by the spoliation and plunder of the people; freedom from all systems of taxation that do not fall with 'equal and exact justice upon all'—that do not raise the revenues of government in the way that is least burdensome to the people and with the least possible disturbance to their business. That, sir, is the American policy."

After the general debate on the Mills Bill it was debated by paragraphs for twenty-eight days, and on the 21st of July, 1888, the House passed it by a vote of 162 to 149. In the Senate the bill was referred to the committee on finance, which finally reported a substitute bill making much smaller reduc-

tions. This bill, together with the Mills Bill, eventually came to nothing.

The presidential election in the fall of 1888 resulted in a return of the Republicans to power. President Cleveland was the candidate of the Democrats, and Benjamin Harrison, of Indiana, was the candidate of the Republicans. Harrison carried all the Northern States except New Jersey and Connecticut, and received 233 electoral votes to 168 for Cleveland. The popular vote for Harrison was 5,440,216; for Cleveland, 5,538,233. Fisk, the candidate of the Prohibition party, received 249,907 votes; Streeter, the candidate of the Union Labor party, received 148,105 votes; Cowdry, the candidate of the United Labor party, received 2808 votes; and Curtis, the candidate of the American party, received 1591 votes.

Benjamin Harrison, who became the twenty-third President of the United States on the 4th of March, 1889, was born at North Bend, O., on August 20, 1833. John Scott Harrison, his father, was the son of General William Henry Harrison, who became President in 1841. Benjamin received his early education mostly at Miami College, Oxford, O. He studied law in Cincinnati, and was admitted to the bar before he was twenty-one. He removed to Indianapolis, and in the course of a few years established a very large law practice. Soon after the Civil War began he raised a regiment in Indiana and went with it to the front. At the battle of Resaca he led his regiment through the thickest of the fight, and won a commission as brigadier-general by his gallantry. After the war he resumed his law practice in Indianapolis, and gradually entered politics. He was a candidate for governor on the Republican ticket, but was defeated. He was elected to the United States Senate by the Indiana Legislature, and served from 1881 to 1887.

On the 3d of March, 1889, the Fiftieth Congress closed its two years' term, thus completing the first century of the Congress of the United States under the Constitution. The Fiftieth Congress had 401 members. In the Senate there were 39 Republicans and 37 Democrats; in the House of Repre-

sentatives there were 169 Democrats, 153 Republicans, 2 Independents, and one vacancy.

The prominent members of the Senate were John T. Morgan, William E. Chandler, Henry M. Teller, John P. Jones, William M. Evarts, William B. Allison, Daniel W. Voorhees, John J. Ingalls, Shelby W. Cullom, John Sherman, George F. Hoar, Arthur P. Gorman, Wade Hampton, James B. Beck, George F. Edmunds, Donald Cameron, Matthew C. Butler, John R. McPherson, Justin S. Morrill, Joseph S. C. Blackburn, and Zebulon B. Vance.

The prominent members of the House of Representatives were Samuel J. Randall, William McKinley, Samuel S. Cox, John G. Carlisle, Amos J. Cummings, Hilary A. Herbert, Clifton R. Breckinridge, Henry J. Spooner, William D. Kelley, Henry H. Bingham, Benton McMillin, Roger Q. Mills, David B. Culberson, William L. Wilson, Beriah Wilkins, W. Bourke Cockran, Charles F. Crisp, William M. Springer, William S. Holman, Thomas B. Reed, John D. Long, Julius C. Burrows, Richard P. Bland, William McAdoo, Charles A. Boutelle, William D. Bynum, Henry Cabot Lodge, Timothy E. Tarsney, William W. Phelps, Benjamin Butterworth, John E. Russell, Patrick A. Collins, and William H. Hatch.

The Fifty-first Congress, from March 4, 1889, to March 4, 1891, was Republican in both houses by a small majority. In the Senate there were 39 Republicans and 37 Democrats, and in the House of Representatives there were 164 Republicans and 161 Democrats. Thomas B. Reed, of Maine, was elected Speaker of the House.

Mr. Reed was born in Portland, Me., on October 18, 1839. After graduating from Bowdoin College he began the study of law, but left his books in 1864 and entered the navy as Assistant Paymaster. He remained in this position for more than a year, and then finished his law studies and was admitted to the bar in Portland. He served in the Maine Legislature, was Attorney-general of his State, and, later, was City Solicitor of Portland. In 1876 he was elected to the Forty-fifth Congress as a Representative, and has been re-elected to each succeeding Congress. By degrees he worked his way to the

leadership of the Republicans in the House. He is a capable debater and quick at repartee. His speeches are bright and effective. As a leader he displays consummate skill in managing the legislative affairs of his party.

While Speaker of the Fifty-first Congress Mr. Reed promulgated his famous quorum rule, which was that members of the House who were present during a session, although not answering to the roll-call, could be counted to make up a quorum. This rule was vigorously protested against by the Democrats, but it was adopted as one of the House rules and was enforced throughout the Congress. Subsequently, in a test case, it was decided by the Supreme Court of the United States that the rule was valid.

The great measure of the Fifty-first Congress was the McKinley High Tariff Bill, which was passed at the first session. The bill was reported to the House by William McKinley, of Ohio, the chairman of the committee on ways and means, on April 16, 1890. The debate on the bill began on May 7th. General debate was limited to four days, and the debate by sections, under the five-minute rule, was limited to eight days. The House passed the bill on May 21st by a vote of 164 to 140.

Mr. McKinley, in arguing in favor of this tariff measure, said :

“ If any one thing was settled by the election of 1888, it was that the protective policy as promulgated in the Republican platform, and heretofore inaugurated and maintained by the Republican party, should be secured in any fiscal legislation to be had by the Congress chosen in the great contest and upon that mastering issue. I have interpreted that victory to mean, and the majority in this House and in the Senate to mean, that a revision of the tariff was not only demanded by the votes of the people, but that such revision should be on the line and in full recognition of the principle and purposes of protection. The people have spoken; they want their will registered and their decree embodied in public legislation.”

Speaking of the benefits of protection, he said :

“ We have now enjoyed twenty-nine years continuously of protective tariff laws—the longest uninterrupted period in

which that policy has prevailed since the formation of the federal government—and we find ourselves at the end of that period in a condition of independence and prosperity the like of which has never been witnessed at any other period in the history of our country, and the like of which has no parallel in the recorded history of the world. In all that goes to make a nation great and strong and independent, we have made extraordinary strides. In arts, in science, in literature, in manufactures, in invention, in scientific principles applied to manufacture and agriculture, in wealth and credit and national honor, we are at the very front, abreast with the best and behind none.

“We lead all nations in agriculture, we lead all nations in mining, and we lead all nations in manufacturing. These are the trophies which we bring after twenty-nine years of a protective tariff. Can any other system furnish such evidences of prosperity? Yet in the presence of such a showing of progress there are men everywhere found who talk about the restraints we put upon trade, and the burdens we put upon the enterprise and energy of our people. There is no country in the world where individual enterprise has such wide and varied range, and where the inventive genius of man has such encouragement. There is no nation in the world, under any system, where the same reward is given to the labor of men’s hands and the work of their brains as in the United States. We have widened the sphere of human endeavor, and given to every man a fair chance in the race of life and in the attainment of the highest possibilities of human destiny.

“To reverse this system means to stop the progress of the republic and reduce the masses to small rewards for their labor, to longer hours and less pay, to the simple question of bread and butter. It means to turn them from ambition, courage, and hope, to dependence, degradation, and despair. No sane man will give up what he has got, what he is in possession of, what he can count on for himself and his children, for what is promised by your theories.

“Free trade, or, as you are pleased to call it, ‘revenue tariff,’ means the opening up of this market, which is admitted to be

the best in the world, to the free entry of the products of the world. It means more—it means that the labor of this country is to be remitted to its earlier condition, and that the condition of our people is to be levelled down to the condition of rival countries; because under it every element of cost, every item of production, including wages, must be brought down to the level of the lowest-paid labor of the world. No other result can follow, and no other result is anticipated or expected by those who intelligently advocate a revenue tariff. We cannot maintain ourselves against unequal conditions without the tariff, and no man of affairs believes we can.”

Mr. McKinley declared that experience had demonstrated “that for us and ours, and for the present and the future, the protective system meets our wants, our conditions, promotes the national design, and will work out our destiny better than any other.”

The Senate made some amendments to the McKinley Bill, and then passed it on September 10th by a vote of 40 to 29. The Senate amendments were not concurred in by the House, and the bill went to a conference committee. The differences between the two houses were settled in conference, and the conference committee reported on September 26th. The final vote on the bill was as follows: Senate, yeas 33, nays 27; House, yeas 152, nays 81. The bill was promptly signed by President Harrison, and took effect on October 6, 1890.

At the suggestion of Secretary of State Blaine the bill contained a reciprocity clause which authorized the President to suspend the operations of the tariff on sugar, molasses, coffee, tea, and hides imported from countries which should suspend or lessen the duties on agricultural or manufactured articles of the United States. This reciprocity arrangement was intended to open wider the markets of Central and South America to the United States.

The McKinley Bill made a large advance in the tariff rates—an average of about forty-six per cent.—but it also greatly added to the free list.

William McKinley, whose name is connected with this important tariff measure, was born at Niles, O., on January 29, 1843.



He received an academic education, and then became a teacher in a country school. At the beginning of the Civil War he enlisted in an Ohio regiment, and for gallant services was promoted to major. He studied law after his service in the army, and began practice at Canton, O. He was elected to the Forty-fifth Congress, and continued as a Representative until the close of the Fifty-first Congress. During all his congressional career he was a member of the ways and means committee, and in all the tariff debates was a conspicuous advocate of the protective policy. In 1891 he was elected Governor of Ohio, and two years later was re-elected.

Another important measure of the Fifty-first Congress was what is called the Sherman Silver Purchase Act. This measure was enacted to meet a political exigency. The House of Representatives had passed an act directing the Secretary of the Treasury to purchase each month with Treasury notes 4,500,000 ounces of silver bullion at the market rate, and providing for the free coinage of silver whenever its price should reach \$1 for 371.25 grains. When this act came up in the Senate it was discarded, and a direct free-coinage act was passed. The House refused, by a vote of 152 to 135, to accept the Senate substitute, and a conference committee was ordered. Senator Sherman was the chairman of this committee, and was active in framing the measure which the committee reported and which was called by his name. He regarded the measure as better than a free-coinage act, and urged its passage as the means of preventing the enactment of any act providing for free coinage. The Senate passed the Sherman Act by a vote of 39 to 26, and the House passed it by a vote of 112 to 90. The Democrats in both houses voted against the act.

The Sherman Act, which was approved by President Harrison on July 14, 1890, directed the Secretary of the Treasury "to purchase from time to time silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered in each month, at the market price thereof, not exceeding \$1 for 371.25 grains of pure silver, and to issue in payment for such purchases of silver bullion Treasury notes of the United States." These Treasury notes were to be legal tender in pay-

ment of all debts, public and private, and were to be re-issued.

Section 3 of the act provided "that the Secretary of the Treasury shall each month coin two million ounces of the silver bullion purchased under the provisions of this act until the 1st of July, 1891, and after that time he shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for."

Section 5 of the act repealed that part of the Bland Silver Act of 1878 which directed the monthly purchase and coinage of the same into silver dollars of not less than \$2,000,000 nor more than \$4,000,000 worth of silver bullion.

The Federal Election Bill, or the "Force Bill," as it was named, aroused a great deal of bitter feeling in the Fifty-first Congress. The bill was introduced in the House of Representatives by Henry Cabot Lodge, of Massachusetts, and provided for the amendment of the election laws of the United States so as to secure a more efficient enforcement of those laws. It gave the federal supervisors of elections and the special deputy marshals greater authority than they had ever been given before. The federal government was also given authority to use troops at the polls. The bill was passed by the House on July 2, 1890, but the Senate postponed it until the second session, when it was taken up and debated for several weeks in a very earnest manner. Elaborate speeches were made against it by the Democrats, and it was soon evident that they intended, under the system of unlimited debate which prevails in the Senate, to "talk it to death." The Republicans endeavored to amend the Senate rules so as to enforce a close of the debate, but the effort failed. The Democrats at last succeeded in making a combination with some Republicans who were eager to secure time to discuss a free-coinage measure, and by their help had the election bill laid aside on January 5, 1891, and it eventually came to nothing.

## CHAPTER XXXIII

The Fifty-second Congress.—The Presidential Election of 1892.—Settlement of the Behring Sea Controversy by Arbitration.—Decision of the Tribunal of Arbitration.—The Fifty-third Congress.—Repeal of the Purchasing Clause of the Sherman Silver Act.—The Wilson Low-Tariff Bill.—Wilson's Speech.—Action of the Senate Conservative Democrats.—Passage of the Senate Tariff Bill.—Repeal of the Federal Election Laws.—The Hawaiian Annexation Project.—The Fall Elections of 1894.

THE Fifty-second Congress, from March 4, 1891, to March 4, 1893, was Democratic in the lower branch. In the Senate there were 47 Republicans, 39 Democrats, and 2 Independents. In the House of Representatives there were 236 Democrats, 88 Republicans, and 8 Independents. The Independents in both houses were all members of the Farmers' Alliance, which was an organization formed in 1889 from various associations of farmers and others in the West and Southwest. The Alliance favored free-trade, free silver, an income-tax, and an increase in the national currency, and it demanded the suppression of trusts and monopolies. It was subsequently merged in the Populist party, which has about the same principles.

Charles F. Crisp, of Georgia, was elected Speaker of the Fifty-second Congress. He was born in England on the 29th of January, 1845, during a visit of his parents to that country. His father was an English actor who had won fame in the Southern States, where he had resided for some years. Charles received his education at schools in Southern cities, served in the Confederate army, and after the war studied law. He made his home at Americus, Ga., established a good law practice, and was elected to be a judge of the Supreme Court of Georgia. He was elected to Congress in 1882, and soon made himself

prominent as a Representative, winning national fame for his ability as a legislator.

The Democrats carried the presidential election of 1892, and Grover Cleveland, their candidate, nominated on the first ballot at the national convention at Chicago in June, was again elected President of the United States. The Democratic platform denounced the McKinley tariff as "the culminating atrocity of class legislation," and promised its repeal "as one of the beneficent results that will follow the action of the people in intrusting power to the Democratic party." Cleveland received 277 electoral votes and a popular vote of 5,556,533.

President Harrison was the candidate of the Republicans, having been renominated on the first ballot at the national convention at Minneapolis in June. In their platform the Republicans reaffirmed the doctrine of protection to American industries. Harrison received 145 electoral votes and a popular vote of 5,175,577.

James B. Weaver, the candidate of the People's or Populist party, received 22 electoral votes and a popular vote of 1,122,045. The Prohibitionists had a popular vote of 279,191, and the Socialists had a popular vote of 21,191.

The long and vexatious controversy between the United States and Great Britain in regard to the rights of each country in the Behring Sea seal fisheries was settled by arbitration in 1893. A treaty was negotiated between the two countries providing for a Tribunal of Arbitration, to which all the vexed questions were to be referred. The treaty was ratified by the Senate on March 29, 1892, and the tribunal convened in Paris on February 23, 1893. The tribunal was composed of the following seven arbitrators, all jurists of reputation in their respective countries: Justice John M. Harlan and Senator John T. Morgan, appointed by the President of the United States; Right Hon. Lord James Hannen and Sir John S. D. Thompson, appointed by the Queen of England; Baron de Courcel, appointed by the President of France; Marquis Emilio Visconti-Venosta, appointed by the King of Italy; and Judge Gregers W. W. Gram, appointed by the King of Sweden and Norway. Baron de Courcel was chosen president of the tribunal. Ex-

Secretary of State John W. Foster acted as agent of the United States, and the Hon. C. H. Tupper as agent of Great Britain. The counsel for the United States were Edward J. Phelps, Henry W. Blodgett, James C. Carter, and Frederick R. Coudert. The counsel for Great Britain were Sir Charles Russell and Sir Richard Webster.

After a thorough presentment of the case on the part of the United States and of Great Britain, the tribunal decided on the 15th of August, 1893, that Russia had never asserted or exercised any exclusive jurisdiction in Behring Sea up to the time of the cession of Alaska to the United States, or any exclusive rights to the seal fisheries beyond the ordinary limit of territorial waters; that Great Britain did not recognize or concede any claim upon the part of Russia to exclusive jurisdiction as to the seal fisheries in Behring Sea outside the ordinary territorial waters; that the body of water now known as Behring Sea was included in the phrase "Pacific Ocean," as used in the Treaty of 1825 between Great Britain and Russia; that all the rights of Russia to jurisdiction and to the seal fisheries passed to the United States under the Treaty of 1867 between the United States and Russia ceding Alaska; that the United States has no right to the protection of, or property in, the seals frequenting the islands of the United States in Behring Sea when the same are found outside the ordinary three-mile limit.

The tribunal decided that the United States and Great Britain should forbid their citizens or subjects to capture or kill seals within a zone of sixty miles around the Pribyloff Islands, and in Behring Sea and the North Pacific Ocean, each year from May 1st to July 31st, and should forbid the use of nets, fire-arms, explosives, and steam vessels in fur sealing. It was decided that the United States should pay damages for the British sealing vessels actually seized in Behring Sea or warned out of it by United States war-ships, such procedure being illegal.

The decision of the Tribunal of Arbitration, although against the United States upon the points in controversy with Great Britain, will doubtless be of great benefit to the seal

fisheries because of the protected zone, the close time, and the new rules and regulations both countries will be bound to observe in the future.

The Fifty-third Congress, from March 4, 1893, to March 4, 1895, was Democratic in both houses for the first time since the Thirty-fifth Congress, which began in 1857. In the Senate there were 44 Democrats, 37 Republicans, 4 Independents, and 3 vacancies. The House of Representatives, under the new apportionment act, which went into effect with this Congress, had a membership of 356, divided as follows: Democrats, 218; Republicans, 127; Independents, 11. Charles F. Crisp was elected Speaker.

President Cleveland convened Congress in special session on August 7, 1893, for the purpose of repealing the purchasing clause of the Sherman Silver Act, which compelled the government to purchase each month 4,500,000 ounces of silver bullion. The President, in his message calling Congress together, spoke of the "alarming and extraordinary business situation," and of the "unfortunate financial plight." He said:

"With plenteous crops, with abundant promise of remunerative production and manufacture, with unusual invitation to safe investment, and with satisfactory assurance to business enterprise, suddenly financial distrust and fear have sprung up on every side. Numerous moneyed institutions have suspended because abundant assets were not immediately available to meet the demands of frightened depositors. Surviving corporations and individuals are content to keep in hand the money they are usually anxious to loan, and those engaged in legitimate business are surprised to find that the securities they offer for loans, although heretofore satisfactory, are no longer accepted. Values supposed to be fixed are fast becoming conjectural, and loss and failure have invaded every branch of business.

"I believe these things are principally chargeable to congressional legislation touching the purchase and coinage of silver by the general government. This legislation is embodied in a statute passed on the 14th day of July, 1890, which was the culmination of much agitation on the subject involved, and

which may be considered a truce, after a long struggle, between the advocates of free-silver coinage and those intending to be more conservative."

The President recommended the repeal of the purchasing clause of the Sherman Act, and hoped that Congress would take other legislative action that would put "beyond all doubt or mistake the intention and the ability of the government to fulfil its pecuniary obligations in money universally recognized by all civilized countries."

When Congress met it discussed the silver question at great length. On August 11th a bill was introduced in the House of Representatives by William L. Wilson, of West Virginia, which repealed the purchasing clause of the Sherman Act. This bill concluded as follows :

"But this repeal shall not impair or in any manner affect the legal-tender quality of the standard silver dollar heretofore coined; and the faith and credit of the United States are hereby pledged to maintain the parity of the standard gold and silver coins of the United States at the present legal ratio, or such other ratio as may be established by law."

The debate on the bill lasted until the 28th of August. Various motions were made to add to it a provision for the free coinage of silver, but they were all voted down. On the 28th the House passed the bill by a vote of 239 to 109.

In the Senate the House bill was amended by substituting, in place of the last clause of that bill, the following clause :

"And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement or by such safeguards of legislation as will insure the maintenance of the parity in value of coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times

the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts."

The Senate substitute bill was discussed until the 30th of October, when it was passed by a vote of 43 to 32. The House concurred in the bill as amended by the Senate by a vote of 194 to 94, and on the 1st of November the bill was approved by the President.

The Democrats, being now in full control of the government in its legislative and executive departments, began the work of tariff reform for which they were pledged. The committee on ways and means of the House of Representatives prepared a low-tariff bill, and reported it to the House on December 19th, but consideration of it was postponed until January 8, 1894. On that day William L. Wilson, the chairman of the House ways and means committee, opened the debate upon what was called the Wilson Tariff Bill. He said :

"The majority members of the committee on ways and means who have prepared this bill do not present it under any illusion as to its true character. They have had to deal with a system that has grown up through thirty years of progressive legislation. They do not profess that they have been able, at one stroke of reform, to free it from injustice or to prepare a bill directly responsive to the command of the people. They have dealt as intelligently and as fairly as they could with existing conditions. . . . We begin our task by an effort to free from taxation those things on which the industrial prosperity and growth of our country so largely depend.

"Of all the reductions made in this bill there are none in their benefit to the consumer, none in their benefit to the laborer that can be compared with the removal of the taxes from the materials of industry. We have felt that we could not begin a thorough reform of the existing system, built up, as I have shown, story by story, until it has pierced the clouds, except by a removal of all taxation on the great materials that lie at the basis of modern industry, and so the bill proposes to put on the free list wool, iron ore, coal, and lumber."

In regard to the reductions of the tariff proposed by the bill, Mr. Wilson said :



"In the interest of the consumer, and especially in the interest of labor, we place \$50,000,000 worth of raw materials on the free list, releasing nearly \$14,000,000 of taxes now paid on them. In addition we have reduced taxes on finished products about \$62,000,000, making the proposed lightening of the burdens of the consumer and of the laborer offered in this bill nearly \$76,000,000, reckoned on the importations of 1893; and that is only the share which the government receives of these taxes. No man can tell how many times this sum must be multiplied to get at the full relief from taxes offered to the people in this bill."

Mr. Wilson said, in conclusion:

"The people have given us control of this government to-day, with their commission to make it a government of equal rights. They have put into our hands the power to strike down privilege and caste, that for so many years have controlled and battered upon taxation of the people. We may have our honest differences of opinion as to items of the bill proposed. I question no man's judgment on that; I question no man's fidelity to his party on that. But unless the Democracy takes up this great cause of tariff reform, to win or lose with it, live or die for it, the Democratic party ought to go out of power, as it will.

"Change the items of the bill if you choose, but let us not disappoint the expectations and the long-deferred hope of the American people, of the silent masses who do not vex us with their angry outcries—the farmers and laborers scattered, unable to organize, who plod their weary way pressed by the burden of taxes. Even if they are voiceless, even if our halls and our corridors are thronged with representatives of the monopolists, and our petition-boxes filled with protests of the trusts, let us be true to our faith and our pledges; let us go forward until we make this a country in which every man shall see the gateway of opportunity opening before him, in which the great avenues of industry shall no longer be the private possession of the wealth of the country, but every youth in its borders shall be inspired to rise by his own merits and his own efforts—not born to labor for others, not beaten back in contempt by those who speak of him as rebel when he seeks his own rights. Let

this be a country free to all, equal for all, with the golden ladder of opportunity planted in every cabin, in every home, and at every humble fireside in the land."

Mr. Wilson became a member of the House of Representatives in 1883. He was born in Virginia on May 3, 1843, studied at the University of Virginia, and also at the Columbian University in Washington, served during the Civil War in the Confederate army, and afterwards became a teacher. He read law, was admitted to the bar, and began to practise at Charleston, West Virginia. From 1882 to 1885 he was the president of the University of West Virginia.

The debate on the Wilson Bill continued for three weeks, and during its progress many able speeches were made. The Republicans denounced the bill and called it a "savage blow at the industries of the United States," which, they declared, would be "stricken down for the benefit of foreign industries." The great reductions in the tariff proposed by the bill, they maintained, would "surely bring the working-men of the country to poverty and disaster." The internal-revenue section of the bill, providing for a two-per-cent. tax on incomes over \$4000 a year, called forth much opposition both from the Democrats and the Republicans. Some material changes were made in the bill, and on the 1st of February the House passed it by a vote of 204 to 140. Seventeen Democrats, who disapproved of the income-tax, voted against the bill.

The bill was sent the next day to the Senate, and was at once referred to the finance committee.

While the bill was in the hands of the finance committee certain so-called "conservative" Democrats, numbering five or six prominent Senators, let it be known that they should oppose the bill and prevent its passage by the Senate unless coal, iron ore, and sugar were taken off the free list, where they were placed in the House bill, and a protective duty put on them. Senator Arthur P. Gorman, of Maryland, led the conservatives, and he succeeded in convincing the finance committee that the change demanded should be made. On March 20th that committee reported the House bill back to the Senate so amended that coal and iron ore were made dutiable at forty

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cents a ton, and sugar was taxed from one cent to one cent and a quarter per pound according to the color test.

The debate on the amended bill began at once. Not many speeches were made by the Democrats, but the Republicans brought forward their best tariff orators to oppose the bill, and the talk on their side went on in an endless stream for weeks.

It was so apparently the intention of the Republicans to filibuster against the passage of the bill by prolonging the debate, that a movement was started to appease them by amending the bill so as to secure considerable protection for certain lines of manufactures. Early in May a Democratic caucus was held, and a few days afterwards the Senate finance committee reported more than four hundred amendments to the Wilson Bill. The new amendments related principally to the cotton, woollen, and metal schedules, and were so distinctly protective that the Republican filibustering effort suddenly ceased.

At this time there appeared a new sugar schedule, which laid an *ad valorem* duty of forty per cent. on raw sugar, with one-eighth of a cent on refined sugar, and one-tenth of a cent additional on refined sugar imported from countries paying an export bounty. This schedule was said to have been arranged in the interest of the American Sugar Refining Company, commonly called the "Sugar Trust," and it was broadly stated that the trust had secured this favorable legislation by improperly influencing members of the Senate. A committee was appointed to investigate this charge, and it subsequently reported that it was unable to find any evidence to sustain what had been alleged.

The Wilson Bill, so changed by more than six hundred amendments that it could no longer be correctly called by its original name, was passed by the Senate on the 3d of July by a vote of 39 yeas (37 Democrats and 2 Populists) to 34 nays (31 Republicans, 1 Democrat—Senator Hill, of New York—and 2 Populists). On the 5th of July the amended bill was returned to the House, with a request for a conference committee to settle the differences between the two houses. The conference committee was appointed, and for nearly two weeks endeavored to reach an agreement, but in vain. On the 19th of

July Mr. Wilson reported to the House the disagreement of the conference committee, and also produced and read a letter written to him by President Cleveland. In this letter the President denounced the Senate bill in severe terms, and said that its passage was an act of perfidy and party dishonor.

The bill was sent to a second conference. Senator Gorman made a bitter speech in the Senate in resentment of the President's letter. He stated that during the discussion of the bill in the Senate the President had expressed himself to several Senators as being satisfied with it. These Senators afterwards corroborated Mr. Gorman's statement. Mr. Gorman emphatically declared that the Senate bill should pass the House or else there would be no tariff legislation.

Mr. Gorman was born in Maryland on March 11, 1839. After a public-school education he entered the service of Congress in 1852 as a page, and continued in various positions until 1866, when he was serving as postmaster of the Senate. He was collector of internal revenue in Maryland for several years, was a member of the Maryland Legislature, and in 1880 was elected to the United States Senate, taking his seat the following year. He was re-elected in 1886 and in 1892.

Mr. Wilson and his colleagues soon ascertained that Mr. Gorman's threat was no idle one, and at a Democratic caucus of members of the House it was decided to accept the Senate bill rather than to allow the McKinley tariff to remain in force. It was decided to pass the Senate bill—the "Gorman Bill"—at once, and then to pass four separate bills placing coal, iron ore, sugar, and barbed wire on the free list.

On August 13th the Senate bill, "unchanged, unamended, untouched," was passed by the House by a vote of 182 yeas (175 Democrats and 7 Populists) to 106 nays (93 Republicans and 13 Democrats). The four separate bills—the "pop-gun bills," they were called—restoring coal, iron ore, sugar, and barbed wire to the free list, were then passed by the House. These bills afterwards came to nothing in the Senate.

President Cleveland received the Wilson-Gorman Tariff Bill on August 15th, and allowed it to become a law without his signature. It went into effect at once.

The rates under the new tariff are very generally *ad valorem*, and average about one-fourth lower than in the former tariff. There are large reductions on china and glass ware, and on manufactured woollens. Among the articles on the free list are wool, lumber, binding twine, jute bagging, burlaps, fresh fish, paintings, and statuary. There is a tax of two per cent. on the incomes of corporations and of individuals in excess of \$4000 a year. Playing-cards have to pay a stamp tax. The reciprocity clause of the McKinley tariff is repealed.

An act entitled "An act to repeal all statutes of the United States relating to supervisors of elections and special deputy marshals and for other purposes," was passed by the Fifty-third Congress. The House of Representatives passed it on September 26, 1893, by a vote of 201 to 102, and the Senate passed it on February 7, 1894, by a vote of 39 to 28. This act repealed all the so-called federal election laws, and ended the federal control of elections for presidential electors and members of Congress which had been the Republican policy for many years.

In 1893 it was proposed to annex the Hawaiian Islands, in the North Pacific Ocean, to the United States. In January of that year Liliuokalani, the Queen of Hawaii, attempted to establish a new constitution giving her greater power. There was a revolution, and the queen was deposed. A provisional government was formed, and a proposition of annexation to the United States was made. The proposition was accepted by President Harrison, and he sent an annexation treaty to the Senate for ratification. It was near the end of Harrison's term, and action in the matter was postponed. As soon as Cleveland became President he withdrew the Harrison treaty from the Senate, and sent a commissioner to Hawaii to investigate the whole subject. The commissioner reported that the revolution in Hawaii had been apparently aided by the American minister and the United States naval force stationed at Honolulu. The Cleveland administration, accepting this report to be a true statement of the condition of affairs, then proceeded to take measures to restore Queen Liliuokalani to her

throne as an "act of national justice." With this end in view, the American minister was recalled, and another one despatched to Hawaii; but the new minister made only a few futile diplomatic efforts towards the restoration of the queen. He found the provisional government of Hawaii well organized, and determined to resist to the utmost of its ability the return of the monarchy. Public opinion in the United States was so decidedly against the scheme of restoration that the Cleveland administration did not attempt to carry it out by force. On the 4th of July, 1894, Hawaii became a republic, and was formally recognized by President Cleveland.

The congressional elections in the fall of 1894 resulted in a most remarkable victory for the Republicans. In all the Northern States the Democrats elected only thirteen members of Congress, while the Republicans even captured a number of strong Democratic districts in the South. Most of the leading Democratic members of the House of Representatives of the Fifty-third Congress were defeated, including Representative Wilson, of tariff celebrity. This marvellous overturning of the party in power in Congress the Republicans claimed was caused by popular disapproval of the administration of affairs by the Democrats; but the latter denied this, and held that their defeat was caused partly by the terrible industrial depression under which the whole country suffered, and partly because the Democratic majority in the Fifty-third Congress had not fully kept the pledge of tariff reform that had been given to the people.

## CHAPTER XXXIV

The Capitol at Washington.—The Halls of Legislation.—The Apportionment of Representatives to the Several States.—Various Methods of the Houses of Congress.—Enormous Cost of the Yearly Sessions.—The Compensation and Milcage of the Senators and Representatives.—A Host of Officials and Clerks.—Reporting the Proceedings of the National Legislature.—The Daily Routine of Business in the Senate.—The Executive Sessions.—Manner of Procedure in the House of Representatives.—Important Legislation of the Fifty-third Congress.

FROM all parts of the city of Washington the great iron dome of the Capitol, with its figure of the Goddess of Liberty, can be plainly seen. The majestic legislative building stands on a hill-top which has an elevation of ninety feet above the Potomac River, and is surrounded by a beautiful park of nearly fifty acres. In the magnificent marble and sandstone and iron Capitol, upon which has been expended not much less than fifty million dollars, the American Congress holds its sessions. The central part of the Capitol contains the vast Rotunda, the chamber of the Supreme Court of the United States, the National Statuary Hall, and the Library of Congress. The two extensions, or north and south wings, contain the halls of legislation. The Senate occupies the north extension, and the House of Representatives the south extension. Each house is provided with a capacious hall and numerous committee-rooms. The legislative halls are rectangular in form, and have around them wide galleries and lobbies.

The Senate Chamber is 82 feet wide and 112 feet long, and is ornamented in a rich and tasteful manner. The ceiling is of iron, with glass panels, on each of which is painted a national emblem. The mahogany desks and chairs of the Senators are arranged on the carpeted floor in concentric semicircles, and

on a low platform the presiding officer of the Senate sits behind a wide desk of mahogany. The Hall of Representatives is considerably larger than the Senate Chamber, but it is arranged in a similar way. It is 139 feet long and 93 feet wide, and has a grand appearance. The Speaker of the House of Representatives sits behind a white marble desk, and at his right hand is the mace, his emblem of authority, which has been in use ever since the First Congress, in 1789.

Both houses of Congress present an interesting spectacle when in session. The Senate has 88 Senators, or two from each of the forty-four states of the Union, and the House of Representatives has 356 members. Senators are elected by the State legislatures for six years, and Representatives and Delegates are elected by the people for two years.

Under the new apportionment act, which went into effect in the Fifty-third Congress, Alabama has nine Representatives; Arkansas, six; California, seven; Colorado, two; Connecticut, four; Delaware, one; Florida, two; Georgia, eleven; Idaho, one; Illinois, twenty-two; Indiana, thirteen; Iowa, eleven; Kansas, eight; Kentucky, eleven; Louisiana, six; Maine, four; Maryland, six; Massachusetts, thirteen; Michigan, twelve; Minnesota, seven; Mississippi, seven; Missouri, fifteen; Montana, one; Nebraska, six; Nevada, one; New Hampshire, two; New Jersey, eight; New York, thirty-four; North Carolina, nine; North Dakota, one; Ohio, twenty-one; Oregon, two; Pennsylvania, thirty; Rhode Island, two; South Carolina, seven; South Dakota, two; Tennessee, ten; Texas, thirteen; Vermont, two; Virginia, ten; Washington, two; West Virginia, four; Wisconsin, ten; and Wyoming, one.

Four Delegates, who represent the territories, which are governed under the authority of Congress, are permitted to have seats in the House of Representatives. They are assigned to some of the committees, and can take part in all the debates in the House if they see fit, but they cannot vote upon any measure. They receive the same compensation as Representatives.

Each Congress is in existence for two years, and has what is called a "long session" and a "short session." The first ses-



sion is the long session. It begins on the first Monday of December, and may be continued throughout the succeeding year, or as long as may be desired within the twelve months. The short session begins in December and ends by law at noon on the 4th of March.

Each Senator, Representative, and Delegate has a salary of \$5000 a year, payable monthly. The President *pro tempore* of the Senate and the Speaker of the House of Representatives are paid \$3000 a year additional, or \$8000 in all. The members of Congress are also allowed mileage of twenty cents a mile for their travelling expenses in going to and returning from the national capital, and \$125 a year for postage, stationery, and newspapers.

During his two years' term a member of Congress is entitled to draw every month on his salary account \$416 and a fraction of government money. Under the prevailing method of having the annual session of Congress begin in December, although the term of the Congress begins in the March preceding, members-elect are actually entitled to draw \$3000 before they appear at Washington to perform any legislative service. In the two years' term there are only about nine months in which the congressman has anything to do for his salary.

When Congress is not in session the members are paid by warrants on the Sub-Treasury nearest their residences. The warrants are forwarded to the members by mail, and are usually deposited by them in local banks for collection. During the sessions the members get their money direct from the Sergeant-at-arms and financial clerks at the Capitol. In both the Senate and House extensions of the Capitol are rooms fitted up like banking establishments with paying-tellers, book-keepers, and big safes containing the money that is to be disbursed to the members of Congress and the officials. Whenever a member wishes any money he goes to one of these miniature banks, fills out a warrant, and the sum desired is handed to him.

The expenses of Congress amount to the enormous sum of \$4,000,000 a year. It does not seem possible that this can be true, but one has only to examine the appropriations made for what is called the "legislative establishment" to learn that the

national legislature is a very expensive body. For the salaries and mileage of Senators there is expended \$464,000, and for the salaries and mileage of the Representatives no less than \$1,965,000 is required. The salaries of the officials, clerks, and employés of Congress amount to \$1,340,000 a year. Then for reporting the proceedings of both houses nearly \$60,000 is expended; for stationery and newspapers, \$80,000; for fuel to heat the great Capitol, \$25,000; for the Capitol police, \$35,000; for folding documents, \$35,000; and for furniture and repairs, \$28,000. The miscellaneous expenses also amount to a good round sum.

The Constitution empowers the Vice-President of the United States to act as President of the Senate, but he has no vote unless the Senate is equally divided, when he casts a vote and so breaks the tie. The Senate elects a president *pro tempore*, who presides when the Vice-President is absent. The Senate has a chaplain who receives \$900 a year; a secretary, who receives \$5000; seven clerks, who receive from \$2500 to \$3000; a sergeant-at-arms and a principal door-keeper, who receive \$4300 each; a number of assistant door-keepers, who receive \$2500 each; three book-keepers, who receive from \$2500 to \$4300; a librarian, a postmaster, a keeper of stationery, and other employés, all of whom receive large salaries.

At the beginning of each Congress the House of Representatives elects a Speaker to preside over its sessions. The Speaker is allowed a private secretary and two clerks, who receive from \$1400 to \$1800 a year. The House has a chaplain at a salary of \$900, a principal clerk at \$4500, and nine other clerks whose salaries aggregate \$20,000; ten assistant clerks, whose salaries aggregate \$15,000; a sergeant-at-arms, whose salary is \$4000; a principal door-keeper, whose salary is \$2500; and a large force of assistant door-keepers, book-keepers, messengers, and other employés, none of whom receive less than \$1000 a year, and many of whom receive considerably more.

The practice of reporting the proceedings of Congress in full by short-hand writers began about 1848. Up to that time special proceedings, important speeches, etc., had been reported

more or less fully, but there had been no capable system in use, and much of each day's doings was not reported, except, perhaps, in a brief, fragmentary way. The Senate is now reported by contract. One man has charge of the work, and he is paid \$25,000 a year for it. Out of this sum he pays his assistants and expenses. The House reporting is done by a corps of official reporters, who are paid by the year. The principal reporter has a salary of \$6000, and the others \$5000. The work in the House is very difficult, and requires stenographers of the greatest skill and experience. The reports taken in both houses are transcribed in long-hand from the reporters' notes by assistants, are carefully revised by the chief reporters, and then are sent to the Government Printing Office to be put in type and inserted in the official publication named the *Congressional Record*, which appears every morning during the sessions of Congress with a verbatim report of the legislative proceedings of the day before. Each member of Congress can have twenty-four copies of the *Record* daily, and may purchase as many more as he likes. At the close of the yearly session the *Record* is bound in volumes.

Congress usually sits five days in the week. The daily sessions begin at noon, unless it has been voted by either house to meet earlier, and finish late in the afternoon. Sometimes towards the end of a yearly session there are evening meetings for a while whenever it becomes necessary to dispose of an accumulation of business.

In the Senate at noon the presiding officer calls the Senators to order, and the chaplain makes a short prayer. After the prayer the journal of the previous day's proceedings is read by a clerk. Then follows a certain amount of routine business. Bills, resolutions, petitions, and various communications are presented by the Senators and referred by the presiding officer to appropriate committees. Bills reported from committees and placed on the Senate calendar are called up and disposed of during what is known as the "morning hour," which lasts until two o'clock. At the expiration of the morning hour the measure which has been made the order of the day is taken up and discussed.

Whenever a written message from the Executive Mansion reaches the Senate this formality is observed: One of the executive clerks presents himself at the main door of the Senate, and is there received by an assistant door-keeper, who announces, "A message from the President of the United States." The presiding officer stops all business by saying, "The Senate will receive a message from the President of the United States." The executive clerk then says, "Mr. President, I am instructed by the President of the United States to present a message in writing." He bows, hands the message to the assistant door-keeper, and withdraws. The assistant door-keeper carries the message to the presiding officer, and business in the Senate is resumed.

As soon as the Senate is ready to hear the executive communication a motion is made to go into "executive session." Forthwith electric bells ring in all parts of the Senate wing of the Capitol, and the door-keepers proceed to clear the galleries and lobbies of all persons. The newspaper correspondents leave their gallery back of the desk of the presiding officer of the Senate, and remain outside until the executive session is over. The Senators, relieved from the observation of the public, light their cigars and make themselves comfortable in various ways while discussing the President's communication. Free-and-easy speeches are made, and very often there are sharp and piquant comments uttered on the persons nominated for office by the President, which would be interesting reading if they could be reported. Although the executive sessions are supposed to be confidential, the newspaper correspondents find very little trouble in obtaining from the Senators a full account of what has taken place in them. If the matter under discussion is of importance to the Republicans, they generally want to have it known to the public, and so of the Democrats. It has been found impossible to keep the proceedings of the executive sessions secret, and very little attempt is made to do so now.

The order of business in the House of Representatives varies somewhat from that in the Senate. When the House is called to order at noon by the Speaker, the Sergeant-at-Arms places the mace on its pedestal, and that indicates that the

House is in session and under the control of the Speaker. When the House goes into committee of the whole, the Speaker leaves the chair and the mace is removed from its pedestal, as the House is then under the control of the chairman of the committee of the whole, who takes the seat of the Speaker.

After prayer by the chaplain the journal of the House is read, and then the Speaker announces the various communications he has received from the executive departments, and also the bills and resolutions the Senate has sent to the House. As soon as the business on the Speaker's table has been disposed of there is a "morning hour" for reports from the committees, which are called in turn by the clerk of the House. After the reports have all been made, the committees are again called in regular order, and each committee is allowed to call up for consideration any bill previously reported by it which is either on the regular House calendar or on what is called the Union calendar. The House next proceeds to the consideration of the unfinished business of the previous day. Should there be no unfinished business, bills are taken from the calendars and discussed, or else the House goes into committee of the whole to consider appropriation and revenue bills.

Both houses of Congress have standing and select committees, the most important of which are the committee on appropriations of the Senate and of the House, the Senate committee on finance, the House committee on ways and means, and the Senate and the House committees on the judiciary and on foreign affairs. The Senate standing committees are selected in a caucus of the dominant party, and are subsequently voted for in a body by the Senate. The standing committees of the House are all appointed by the Speaker.

All bills and resolutions passed by the two houses are signed by the President of the Senate and the Speaker of the House, and then are presented to the President of the United States for his approval. The Constitution provides that the President shall have ten days in which to consider any legislative matter laid before him. "If he approve, he shall sign; but if not he shall return it, with his objections, to that house in which it shall have originated." Congress, in the case of a veto by the

President, has the power to reconsider the matter, and can re-pass the bill or resolution over the President's veto by a two-thirds vote in each house.

Ever since the panic of 1893 the government had had great difficulty in keeping the Treasury gold reserve up to the customary amount of \$100,000,000. There was a constant drain on it, and to replenish it Secretary of the Treasury Carlisle, in January, 1894, sold in the open market to the highest bidder ten-year bonds to the amount of \$50,000,000 at a little more than 117. The withdrawals of gold from the Treasury continued, however, and it was found necessary in the following November to issue another \$50,000,000 of bonds. A syndicate of New York bankers bid 117.07, and took the whole issue. But the gold obtained by the sale of the bonds was hardly deposited in the Treasury when it was drawn out again either for export to Europe or to be hoarded in the United States. The gold reserve rapidly diminished week by week, and at the beginning of 1895 was near the fifty-million point.

President Cleveland sent a special message to Congress in reference to the matter. He said :

"The real trouble which confronts us consists in a lack of confidence, wide-spread and constantly increasing, in the continuing ability or disposition of the government to pay its obligations in gold. This lack of confidence grows to some extent out of the palpable and apparent embarrassment attending the efforts of the government under existing laws to procure gold, and to a greater extent out of the impossibility of either keeping it in the Treasury or cancelling obligations by its expenditure after it is obtained. . . . We have outstanding about \$500,000,000 of currency notes of the government for which gold may be demanded ; and, curiously enough, the law requires that when presented, and in fact redeemed and paid in gold, they shall be reissued. Thus the same notes may do duty many times in drawing gold from the Treasury ; nor can the process be arrested as long as private parties, for profit or otherwise, see an advantage in repeating the operation."

In describing the bond issue of 1894 the President said :

“As a result of the first issue there was realized something more than \$58,000,000 in gold. Between that issue and the succeeding one in November, comprising a period of about ten months, nearly \$103,000,000 was drawn from the Treasury. This made the second issue necessary, and upon that more than \$58,000,000 in gold was again realized. Between the date of this second issue and the present time, covering a period of only about two months, more than \$69,000,000 in gold has been drawn from the Treasury. These large sums of gold were expended without any cancellation of government obligations or in any permanent way benefiting our people or improving our pecuniary situation.”

The President recommended that Congress should pass a bill giving the Secretary of the Treasury authority to “issue bonds of the government for the purpose of procuring and maintaining a sufficient gold reserve.” He recommended that the bonds should run for fifty years, and bear interest not to exceed 3 per cent.; that they should be sold for gold or its equivalent, and be payable in gold. He also recommended that the bill should authorize the Secretary of the Treasury to receive legal-tenders and Treasury notes for the bonds, these notes to be cancelled after redemption; that national banks should be permitted to issue notes of not less than \$10 to the face value of the bonds they should deposit in the Treasury; that silver certificates of \$10 and over should be replaced by those of less denominations, and that import duties should be payable in gold only.

Subsequently a bill carrying into effect the President's recommendations was brought up in the House of Representatives by the Democratic leaders, but failed of passage. Other financial measures were discussed and then thrown aside.

As Congress showed no disposition to enact a measure of relief, and as the gold reserve had gone down to about \$42,000,000, President Cleveland, acting under the authority of an old law, on February 8, 1895, contracted with a syndicate of New York and London bankers to furnish the government with 3,500,000 ounces (about \$65,000,000) of gold, in payment for which thirty-year bonds, payable in coin and bearing interest

at  $3\frac{3}{4}$  per cent., were to be issued to the syndicate. The bonds were estimated at  $104\frac{1}{2}$ . The President notified Congress of what he had done, and stated that 3-per-cent. bonds might be substituted for those named in the contract if, within ten days, Congress should authorize the use of the word "gold" in the bonds instead of "coin." This would make a saving of more than \$16,000,000 in interest during the term for which the bonds were to run.

The ways and means committee of the House of Representatives reported a joint resolution giving the Secretary of the Treasury authority to issue a 3-per-cent. gold-redemption bond; but the resolution, after an earnest debate, was defeated.

There was an exciting discussion in Congress and throughout the country of the fact that the President had disposed of the thirty-year bonds to the syndicate at the low price of  $104\frac{1}{2}$ , when they were worth in the open market at least 118. The transaction was called a "hard and usurious bargain," a "shameful surrender of national credit and waste of substance," and "the blackest page in our financial history." It was shown that the New York and London bankers who composed the syndicate would make millions out of the contract; and it was claimed that the bonds could have been readily sold to the American public at the market rate, and that there was not the slightest need of dealing with the syndicate.

On the other hand, those who upheld the President's action claimed that he was obliged to accept the low terms of the syndicate in order to save the credit of the nation by preventing the suspension of specie payments. The drain on the Treasury gold was such that the Sub-Treasurer at New York had reported that he could not hold out another day. Quick action was imperative, and there was no time to go into the market with a popular loan. The President had done the best he could under the circumstances, it was declared.

The contract with the syndicate had the effect to stop the withdrawals of the Treasury gold for a time at least. No steps towards the permanent relief of the Treasury were taken by the Fifty-third Congress before it expired.



In concluding this history we will make the following brief mention of some important legislation of the Fifty-third Congress at its second and third sessions :

On August 13, 1894, the Senate ratified a treaty between the United States and China, providing for the exclusion from the former country for ten years of Chinese immigrants classed as laborers. The treaty does not "affect the right at present enjoyed of Chinese subjects being officials, teachers, students, merchants, or travellers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein." To enter the United States the Chinese subjects, not laborers, are required to have certificates procured from their government.

A new treaty with Japan, which gives that country full membership in the society of civilized countries, was ratified by the Senate on January 30, 1895. The United States has the power to annul the treaty on one year's notice after it goes into effect.

Congress, in February, 1895, passed a bill reviving the grade of Lieutenant-general of the United States army. Major-general John M. Schofield, the commanding general of the army, was appointed by President Cleveland to the revived grade.

The copyright law was amended so as to limit to \$5000 and \$10,000 the amount which may be recovered from publishers who inadvertently print reproductions of copyrighted pictures.

An anti-lottery bill was passed and approved by the President on March 4, 1895, which specifies that "any person who shall cause to be brought within the United States from abroad for the purpose of disposing of the same, or to be deposited in or carried by the mails of the United States, or carried from one State to another in the United States, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, so-called gift-concert or similar enterprise, offering prizes dependent upon lot or chance, or shall cause any advertisement of such lottery, so-called gift-concert or similar enterprise, offering prizes dependent upon lot or chance, to be brought into the United States or transferred from one State

to another in the same, shall be punishable in the first offence by imprisonment for not more than two years or by a fine of not more than \$1000, or both, and in the second and after offences by such imprisonment only."

Towards the close of the third session of the Fifty-third Congress the three vacancies in the Senate were filled by Republican Senators from Montana, Washington, and Wyoming. A Republican Senator was also chosen by the Legislature of North Carolina, to take the place of a Democrat appointed by the governor of the State to hold the seat until the meeting of the legislature. The Senate, in consequence of these Republican accessions, passed from the control of the Democrats, who had only forty-three members out of eighty-eight.

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## APPENDIX A

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### DECLARATION OF INDEPENDENCE

IN CONGRESS, *July 4, 1776.*

#### A DECLARATION

*By the Representatives of the United States of America in General Congress Assembled.*

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyr-

anny over these states. To prove this, let facts be submitted to a candid world :

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained ; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature ; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected ; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise ; the State remaining, in the meantime, exposed to all the danger of invasion from without, and convulsions within.

He has endeavored to prevent the population of these states ; for that purpose obstructing the laws for naturalization of foreigners ; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislature.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws ; giving his assent to their acts of pretended legislation :

For quartering large bodies of armed troops among us :

For protecting them, by a mock trial, from punishment, for any murders which they should commit on the inhabitants of these states :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us, in many cases, of the benefits of trial by jury :

For transporting us beyond seas to be tried for pretended offences :

For abolishing the free system of English laws in a neighboring province,

establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the powers of our governments :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction, of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress, in the most humble terms ; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, Free and Independent States ; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved ; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish

commerce, and to do all other acts and things which independent states may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The Declaration was signed as follows :

New Hampshire.—Josiah Bartlett, William Whipple, Matthew Thornton.

Massachusetts.—John Hancock, Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.

Rhode Island.—Stephen Hopkins, William Ellery.

Connecticut.—Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

New York.—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

New Jersey.—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

Pennsylvania.—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

Delaware.—Cæsar Rodney, George Read, Thomas McKean.

Maryland.—Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton.

Virginia.—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee, Carter Braxton.

North Carolina.—William Hooper, Joseph Hewes, John Penn.

South Carolina.—Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., Arthur Middleton.

Georgia.—Button Gwinnett, Lyman Hall, George Walton.



## APPENDIX B

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### ARTICLES OF CONFEDERATION

TO ALL TO WHOM THESE PRESENTS SHALL COME, WE, THE UNDERSIGNED,  
DELEGATES OF THE STATES AFFIXED TO OUR NAMES, SEND GREETING:

WHEREAS, the delegates of the United States of America in Congress assembled did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the Independence of America, agree to certain Articles of Confederation and Perpetual Union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz.:

*Articles of Confederation and Perpetual Union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.*

ARTICLE I. The style of this Confederacy shall be, "THE UNITED STATES OF AMERICA."

ARTICLE II. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

ARTICLE III. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this Union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each State shall have free

ingress and regress to and from any other State; and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively; provided, that such restriction shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction shall be laid by any State on the property of the United States, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor, in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ARTICLE V. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonment during the time of their going to, and from, and attending on Congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or State; nor shall any person, holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation, or alli-

ance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States in Congress assembled with any king, prince, or State, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up, in time of peace, by any State, except such number only as shall be deemed necessary, by the United States in Congress assembled, for the defence of such State or its trade; nor shall any body of forces be kept up by any State, in time of peace, except such number only as, in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State: but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred; and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war, without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ship or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled; and then only against the kingdom or State, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE VII. When land forces are raised by any State for the common defence, all officers of or under the rank of colonel shall be appointed by the legislature of each State respectively, by whom such forces shall be raised, or in such manner as such State shall direct; and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE VIII. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each State, granted to or surveyed for any person as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the

several states, within the time agreed upon by the United States in Congress assembled.

ARTICLE IX. The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article: Of sending and receiving ambassadors: Entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatever: Of establishing rules for deciding, in all cases, what captures on land or water shall be legal; and in what manner prizes, taken by land or naval forces in the service of the United States, shall be divided or appropriated: Of granting letters of marque and reprisal in times of peace: Appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining, finally, appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort, on appeal, in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State, in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of Congress, to the legislative or executive authority of the other State in controversy; and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States; and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination. And if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive. And if any of the parties shall refuse to submit to the authority of such court, or to appear, or defend their claim or cause, the court shall nevertheless proceed to

pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being, in either case, transmitted to Congress and lodged among the acts of Congress for the security of the parties concerned: Provided that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "Well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward": Provided also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions, as they may respect such lands and the states which passed such grants, are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states: Fixing the standard of weights and measures throughout the United States: Regulating the trade and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any State within its own limits be not infringed or violated: Establishing and regulating post-offices, from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office: Appointing all officers of the land forces in the service of the United States, excepting regimental officers: Appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States: Making rules for the government and regulation of the land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "a committee of the states," and to consist of one delegate from each State, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction: To appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years: To ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses: To borrow money or emit bills on the credit of the United States, transmitting every half-year to the respective states an account of the sums of money so borrowed or emitted: To build and equip a navy: To agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition

shall be binding; and thereupon the legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldierlike manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled: but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than its quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State; unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same; in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared: and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States, in Congress assembled, shall never engage in a war; nor grant letters of marque and reprisal in time of peace; nor enter into any treaties or alliances; nor coin money; nor regulate the value thereof; nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them; nor emit bills; nor borrow money on the credit of the United States; nor appropriate money; nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised; nor appoint a commander-in-chief of the army or navy; unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months; and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE X. The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee for the exercise of which, by the Articles of Confederation, the voice of nine states in the Congress of the United States assembled is requisite.

ARTICLE XI. Canada, acceding to this confederation, and joining in the

measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ARTICLE XII. All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith, are hereby solemnly pledged.

ARTICLE XIII. Every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State; and the Union shall be perpetual. Nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

And whereas it has pleased the great Governor of the world to incline the hearts of the legislatures we respectfully represent in Congress, to approve of and to authorize us to ratify the said Articles of Confederation and Perpetual Union: know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and Perpetual Union, and all and singular the matters and things therein contained; and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions which, by the said confederation, are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the Union be perpetual.

In witness whereof, we have hereunto set our hands, in Congress. Done at Philadelphia, in the State of Pennsylvania, the ninth day of July, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the Independence of America.

New Hampshire.—Josiah Bartlett, John Wentworth, Jr.

Massachusetts Bay.—John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, Samuel Holten.

Rhode Island.—William Ellery, Henry Marchant, John Collins.

Connecticut.—Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hosmer, Andrew Adams.

New York.—James Duane, Francis Lewis, William Duer, Gouverneur Morris.

New Jersey.—John Witherspoon, Nath. Scudder.

Pennsylvania.—Robert Morris, Daniel Roberdeau, Jonathan Bayard Smith, William Clingan, Joseph Reed.

Delaware.—Thomas McKean, John Dickinson, Nicholas Van Dyke.

Maryland.—John Hanson, Daniel Carroll.

Virginia.—Richard Henry Lee, John Banister, Thomas Adams, John Harvie, Francis Lightfoot Lee.

North Carolina.—John Penn, Constable Harnett, John Williams.

South Carolina.—Henry Laurens, William Henry Drayton, John Matthews, Richard Hutson, Thomas Heyward, Jr.

Georgia.—John Walton, Edward Telfair, Edward Langworthy.



# APPENDIX C

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## CONSTITUTION

### OF THE

### UNITED STATES OF AMERICA

WE, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Preamble.

#### ARTICLE I

SECTION 1.—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Legislative Powers.

SECTION 2.—1. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

House of Representatives.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Eligibility of Representatives.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the

Manner and Ratio of Representation and Taxation.

Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

Vacancies in Representation.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

Speaker and Impeachment.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

The Senate.

SECTION 3.—1. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Choice of One-third of the Senators Every Second Year.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Eligibility of Senators.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

President of Senate.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

President *pro tem*.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief-Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Senate's Power to Try Impeachments.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

Penalty in Cases of Impeachment.

SECTION 4.—1. The times, places, and manner, of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Congressional Elections.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Meeting of Congress.

SECTION 5.—1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

Organization.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Rules.

3. Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Journal of Proceedings.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Adjournment.

SECTION 6.—1. The Senators and Representatives shall receive a compensation for their services, to be

Compensation and Privileges of Congressmen.

ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Congressmen Not to Hold Civil Office.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person, holding any office under the United States, shall be a member of either House during his continuance in office.

Revenue Bills.

SECTION 7.—1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Bills, etc., to be Presented to the President of the United States.

2. Every bill, which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by

two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.—The Congress shall have power

Powers of Congress.

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare, of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post-offices and post-roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies, committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as

may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress :

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places, purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings :—And

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Tax on Importation of  
Slaves.

SECTION 9.—1. The migration or importation of such persons, as any of the states, now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Writ of *Habeas Corpus*.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

*Ex post facto* Law.

3. No bill of attainder, or *ex post facto* law, shall be passed.

Direct Tax.

4. No capitation, or other direct tax, shall be laid, unless in proportion to the *census* or enumeration herein-before directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

Free Trade among the  
States.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another ; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties, in another.

The Treasury.

7. No money shall be drawn from the Treasury but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Titles of Nobility Inter-  
dicted.

8. No title of nobility shall be granted by the United States ; and no person, holding any office of profit or trust

under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION 10.—1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

Powers Denied to the States.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II

SECTION 1.—1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

The Executive Power.

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives, to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit, under the United States, shall be appointed an elector.

Election of President and Vice-President.

3. The electors shall meet in their respective states, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to

the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one, who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by states, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President. [This clause is annulled by Article XII. of the Amendments.]

Requirements for Office  
of President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Proviso in Case of  
Death, etc., of the  
President.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Compensation of President.

7 The President shall, at stated times, receive for his services a compensation, which shall neither be increased



nor diminished during the period for which he shall have been elected, and he shall not receive, within that period, any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation :

“ I do solemnly swear (or affirm), that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

Oath of Office.

SECTION 2.—1. The President shall be Commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

Powers and Duties of the President.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur ; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law : but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.—1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient ; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Removal from Office of  
President, etc.

SECTION 4.—1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III

Judicial Power of the  
United States.

SECTION 1.—The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION 2.—1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a State and citizens of another State, between citizens of different states, between citizens of the same State claiming lands under grants of different states, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

Rules of Court Procedure.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

Treason—How Defined  
and Punished.

SECTION 3.—1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

#### ARTICLE IV

SECTION 1.—Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof. State Acts, etc.

SECTION 2.—1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several states. Privileges of Citizens.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime. Fugitives from Justice.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due. Fugitive Slaves.

SECTION 3.—1. New states may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress. Admission of New States.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State. Territories.

SECTION 4.—The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence. Republican Government Guaranteed.

## ARTICLE V

How Amendments to  
the Constitution shall  
be Proposed.

1. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI

Debts.

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

The Constitution the  
Supreme Law.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

Support of the Constitu-  
tion.

3. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII

Ratification.

1. The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hun-

dred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,  
*President, and Deputy from Virginia.*

New Hampshire.—John Langdon, Nicholas Gilman.

Massachusetts.—Nathaniel Gorham, Rufus King.

Connecticut.—William Samuel Johnson, Roger Sherman.

New York.—Alexander Hamilton.

New Jersey.—William Livingston, David Brearley, William Paterson, Jonathan Dayton.

Pennsylvania.—Benjamin Franklin, Robert Morris, Thomas Fitzsimmons, James Wilson, Thomas Mifflin, George Clymer, Jared Ingersoll, Gouverneur Morris.

Delaware.—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

Maryland.—James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

Virginia.—John Blair, James Madison, Jr.

North Carolina.—William Blount, Richard Dobbs Spaight, Hugh Williamson.

South Carolina.—John Rutledge, Charles Pinckney, Pierce Butler, Charles Cotesworth Pinckney.

Georgia.—William Few, Abraham Baldwin.

Attest: WILLIAM JACKSON, *Secretary.*

The Constitution was ratified by the conventions of the several states, as follows:

Delaware, Dec. 7, 1787; Pennsylvania, Dec. 12, 1787; New Jersey, Dec. 18, 1787; Georgia, Jan. 2, 1788; Connecticut, Jan. 9, 1788; Massachusetts, Feb. 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; New York, July 26, 1788; North Carolina, Nov. 21, 1789; Rhode Island, May 29, 1790.

ARTICLES  
IN ADDITION TO, AND AMENDMENT OF,  
THE CONSTITUTION  
OF THE  
UNITED STATES OF AMERICA

*Proposed by Congress, and Ratified by the Legislatures of the Several States, pursuant  
to the Fifth Article of the Original Constitution.*

[During the session of the First Congress of the United States, in 1789, the first ten of the amendments were proposed. They were afterwards ratified by the states, in 1791. The Eleventh Amendment was proposed by the Third Congress in 1794, and ratified in 1798. The Twelfth Amendment was proposed by the Eighth Congress, in 1803, and ratified in 1804. The Thirteenth Amendment was proposed by the Thirty-eighth Congress, in 1865, and ratified the same year. The Fourteenth Amendment was proposed by the Thirty-ninth Congress, in 1866, and ratified in 1868. The Fifteenth Amendment was proposed by the Fortieth Congress, in 1869, and ratified in 1870.]

ARTICLE I

Religious Toleration.  
Freedom of Speech  
and of Press.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

Right to bear Arms, etc.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

## ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated ; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. Search Warrants and Seizures.

## ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger ; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb ; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use, without just compensation. Judicial Safeguards.

## ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law ; and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have compulsory process for obtaining witnesses in his favor ; and to have the assistance of counsel for his defence. Trial by Jury.

## ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

## ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Bail.

## ARTICLE IX

Constitutional and State  
Rights.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

## ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

## ARTICLE XI

Limitation of Judicial  
Power.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

## ARTICLE XII

Respecting the Election  
of President and Vice-  
President.

The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign, and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And



if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death, or other constitutional disability, of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.

### ARTICLE XIII

SECTION 1.—Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Abolition of Slavery.

SECTION 2.—Congress shall have power to enforce this article by appropriate legislation.

### ARTICLE XIV

SECTION 1.—All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. Protection to Citizens.

SECTION 2.—Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being Apportionment of Representatives.

twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Concerning those who  
Rebel against the  
United States.

SECTION 3.—No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Validity of the Public  
Debt.

SECTION 4.—The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5.—The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## ARTICLE XV

Rights of Citizens not  
to be Abridged.

SECTION 1.—The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2.—The Congress shall have power to enforce this article by appropriate legislation.

## APPENDIX D

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### WASHINGTON'S FAREWELL ADDRESS

FRIENDS AND FELLOW-CITIZENS,—The period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only

say, that I have with good intentions contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes—perhaps still more in the eyes of others—has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me, more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that, under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious, vicissitudes of fortune often discouraging; in situations in which, not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows, that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration, in every department, may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and the adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop; but a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be afforded to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel; nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence—the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed,—it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice, of a common country, that country has a right to concentrate your affections. The name of *American*, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest; here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the agency of the North, sees its agriculture grow, and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in like intercourse with the West, already finds, and in the progressive improvement of interior communication, by

land and water, will more and more find, a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort; and what is perhaps of still greater consequence, it must, of necessity, owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries, not tied together by the same government; which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty; in this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt, whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation, in such a case, were criminal. We are authorized to hope, that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those, who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs, as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern—Atlantic and Western: whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who

ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them, of a policy in the general government, and in the Atlantic states, unfriendly to their interests in regard to the Mississippi: they have been witnesses to the formation of two treaties—that with Great Britain, and that with Spain, which secure to them everything they could desire in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliance, however strict between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all time, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former for an intimate Union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The bases of our political systems, is the right of the people to make and to alter their constitutions of government: but the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive to this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common counsels, and modified by mutual interests.

However combinations or associations of the above description may now

and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying, afterwards, the very engines which had lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists, under different shapes, in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads, at length, to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which, nevertheless,



ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment, occasionally, riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself, through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties, in free countries, are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal, against invasions by the others, has been evinced by experiments, ancient and modern; some of them in our own country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can, at any time, yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pil-

lars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned; not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Provi-

dence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is, in some degree, a slave. It is a slave to its animosity or to its affection; either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation to another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray, or sacrifice the interest of their own country, without odium; sometimes even with popularity; gilding with the appearance of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the art of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be *constantly* awake;

since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil, and even second, the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversify-

ing, by gentle means, the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinions will permit, but temporary, and liable to be, from time to time, abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay, with a portion of its independence, for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon, real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations; but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigues, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records, and other evidences of my conduct, must witness to you and the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your Representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation,

in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest, for observing that conduct, will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error; I am, nevertheless, too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this, as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate, with pleasing expectation, that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government—the ever favorite object of my heart—and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEORGE WASHINGTON.

UNITED STATES, 17th *September*, 1796.

## APPENDIX E

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### EMANCIPATION PROCLAMATION

WHEREAS, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

“That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever, free; and the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

“That the executive will, on the first day of January aforesaid, by proclamation, designate the states and parts of states, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States, by members chosen thereto at elections wherein a majority of the qualified voters of such states shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not in rebellion against the United States.”

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-chief of the Army and Navy of the United States, in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the day first above mentioned, order and designate as the states and parts of states wherein the people thereof, respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption,

Terre Bonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Anne, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are for the present left precisely as if this proclamation were not issued.\*

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated states and parts of states are, and henceforward shall be, free; and that the executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons, of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and of the independence of the United States of America the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,

*Secretary of State.*

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\* The parts excepted by the proclamation, with the exception of West Virginia, were held by the Union armies.



## APPENDIX F

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### THE CONTINENTAL CONGRESS

The Continental Congress held its sessions at the following places: At Philadelphia on September 5, 1774, and on May 10, 1775; at Baltimore on December 20, 1776; at Philadelphia on March 4, 1777; at Lancaster on September 27, 1777; at York on September 30, 1777; at Philadelphia on July 2, 1778; at Princeton on June 30, 1783; at Annapolis on November 26, 1783; at Trenton on November 1, 1784; and at New York on January 11, 1785. It ended its existence in New York on March 2, 1789.

The Presidents of the Continental Congress were as follows:

NAME.	STATE.	ELECTED.
1. Peyton Randolph . . . . .	Virginia . . . . .	Sept. 5, 1774
2. Henry Middleton . . . . .	South Carolina . . . . .	Oct. 22, "
3. Peyton Randolph . . . . .	Virginia . . . . .	May 10, 1775
4. John Hancock . . . . .	Massachusetts . . . . .	" 24, "
5. Henry Laurens . . . . .	South Carolina . . . . .	Nov. 1, 1777
6. John Jay . . . . .	New York . . . . .	Dec. 10, 1778
7. Samuel Huntington . . . . .	Connecticut . . . . .	Sept. 28, 1779
8. Thomas McKean . . . . .	Delaware . . . . .	July 10, 1781
9. John Hanson . . . . .	Maryland . . . . .	Nov. 5, "
10. Elias Boudinot . . . . .	New Jersey . . . . .	" 4, 1782
11. Thomas Mifflin . . . . .	Pennsylvania . . . . .	" 3, 1783
12. Richard Henry Lee . . . . .	Virginia . . . . .	" 30, 1784
13. Nathaniel Gorham . . . . .	Massachusetts . . . . .	June 6, 1786
14. Arthur St. Clair . . . . .	Pennsylvania . . . . .	Feb. 2, 1787
15. Cyrus Griffin . . . . .	Virginia . . . . .	Jan. 22, 1788

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### CONGRESS UNDER THE CONSTITUTION

1789-1895

The sessions of Congress under the Constitution, from 1789 to 1895, have been as follows:

*First Congress.*—First session from March 4, 1789, to September 29, 1789; second session from January 4, 1790, to August 12, 1790; third session from December 6, 1790, to March 4, 1791.

- Second Congress.*—First session from October 24, 1791, to May 8, 1792; second session from November 5, 1792, to March 2, 1793.
- Third Congress.*—First session from December 2, 1793, to June 9, 1794; second session from November 3, 1794, to March 4, 1795.
- Fourth Congress.*—First session from December 7, 1795, to June 1, 1796; second session from December 5, 1796, to March 4, 1797.
- Fifth Congress.*—First session from May 15, 1797, to July 10, 1797; second session from November 13, 1797, to July 16, 1798; third session from December 3, 1798, to March 4, 1799.
- Sixth Congress.*—First session from December 2, 1799, to May 14, 1800; second session from November 17, 1800, to March 4, 1801.
- Seventh Congress.*—First session from December 7, 1801, to May 3, 1802; second session from December 6, 1802, to March 4, 1803.
- Eighth Congress.*—First session from October 17, 1803, to March 27, 1804; second session from November 5, 1804, to March 4, 1805.
- Ninth Congress.*—First session from December 2, 1805, to April 21, 1806; second session from December 1, 1806, to March 4, 1807.
- Tenth Congress.*—First session from October 26, 1807, to April 25, 1808; second session from November 7, 1808, to March 4, 1809.
- Eleventh Congress.*—First session from May 22, 1809, to June 28, 1809; second session from November 27, 1809, to May 1, 1810; third session from December 3, 1810, to March 4, 1811.
- Twelfth Congress.*—First session from November 4, 1811, to July 6, 1812; second session from November 2, 1812, to March 4, 1813.
- Thirteenth Congress.*—First session from May 24, 1813, to August 2, 1813; second session from December 6, 1813, to April 18, 1814; third session from September 19, 1814, to March 4, 1815.
- Fourteenth Congress.*—First session from December 4, 1815, to April 30, 1816; second session from December 2, 1816, to March 4, 1817.
- Fifteenth Congress.*—First session from December 1, 1817, to April 20, 1818; second session from November 16, 1818, to March 4, 1819.
- Sixteenth Congress.*—First session from December 6, 1819, to May 15, 1820; second session from November 13, 1820, to March 4, 1821.
- Seventeenth Congress.*—First session from December 3, 1821, to May 8, 1822; second session from December 2, 1822, to March 4, 1823.
- Eighteenth Congress.*—First session from December 1, 1823, to May 27, 1824; second session from December 6, 1824, to March 4, 1825.
- Nineteenth Congress.*—First session from December 5, 1825, to May 22, 1826; second session from December 4, 1826, to March 4, 1827.
- Twentieth Congress.*—First session from December 3, 1827, to May 26, 1828; second session from December 1, 1828, to March 4, 1829.
- Twenty-first Congress.*—First session from December 7, 1829, to May 31, 1830; second session from December 6, 1830, to March 4, 1831.
- Twenty-second Congress.*—First session from December 5, 1831, to July 16, 1832; second session from December 3, 1832, to March 2, 1833.

- Twenty-third Congress.*—First session from December 2, 1833, to June 30, 1834; second session from December 1, 1834, to March 4, 1835.
- Twenty-fourth Congress.*—First session from December 7, 1835, to July 4, 1836; second session from December 5, 1836, to March 4, 1837.
- Twenty-fifth Congress.*—First session from September 4, 1837, to October 16, 1837; second session from December 4, 1837, to July 9, 1838; third session from December 3, 1838, to March 4, 1839.
- Twenty-sixth Congress.*—First session from December 2, 1839, to July 21, 1840; second session from December 7, 1840, to March 4, 1841.
- Twenty-seventh Congress.*—First session from May 31, 1841, to September 13, 1841; second session from December 6, 1841, to August 31, 1842; third session from December 5, 1842, to March 4, 1843.
- Twenty-eighth Congress.*—First session from December 4, 1843, to June 17, 1844; second session from December 2, 1844, to March 4, 1845.
- Twenty-ninth Congress.*—First session from December 1, 1845, to August 10, 1846; second session from December 7, 1846, to March 4, 1847.
- Thirtieth Congress.*—First session from December 6, 1847, to August 14, 1848; second session from December 4, 1848, to March 4, 1849.
- Thirty-first Congress.*—First session from December 3, 1849, to September 30, 1850; second session from December 2, 1850, to March 4, 1851.
- Thirty-second Congress.*—First session from December 1, 1851, to August 31, 1852; second session from December 6, 1852, to March 4, 1853.
- Thirty-third Congress.*—First session from December 5, 1853, to August 7, 1854; second session from December 4, 1854, to March 4, 1855.
- Thirty-fourth Congress.*—First session from December 3, 1855, to August 18, 1856; second session from August 21, 1856, to August 30, 1856; third session from December 1, 1856, to March 4, 1857.
- Thirty-fifth Congress.*—First session from December 7, 1857, to June 14, 1858; second session from December 6, 1858, to March 4, 1859.
- Thirty-sixth Congress.*—First session from December 5, 1859, to June 25, 1860; second session from December 3, 1860, to March 4, 1861.
- Thirty-seventh Congress.*—First session from July 4, 1861, to August 6, 1861; second session from December 2, 1861, to July 17, 1862; third session from December 1, 1862, to March 4, 1863.
- Thirty-eighth Congress.*—First session from December 7, 1863, to July 4, 1864; second session from December 5, 1864, to March 4, 1865.
- Thirty-ninth Congress.*—First session from December 4, 1865, to July 28, 1866; second session from December 3, 1866, to March 4, 1867.
- Fortieth Congress.*—First session from March 4, 1867, to December 2, 1867, with two recesses; second session from December 2, 1867, to July 27, 1868; third session from December 7, 1868, to March 4, 1869.
- Forty-first Congress.*—First session from March 4, 1869, to April 10, 1869; second session from December 6, 1869, to July 15, 1870; third session from December 5, 1870, to March 4, 1871.
- Forty-second Congress.*—First session from March 4, 1871, to April 20, 1871;

- second session from December 4, 1871, to June 10, 1872; third session from December 2, 1872, to March 4, 1873.
- Forty-third Congress.*—First session from December 1, 1873, to June 23, 1874; second session from December 7, 1874, to March 4, 1875.
- Forty-fourth Congress.*—First session from December 6, 1875, to August 15, 1876; second session from December 4, 1876, to March 4, 1877.
- Forty-fifth Congress.*—First session from October 15, 1877, to December 3, 1877; second session from December 3, 1877, to June 20, 1878; third session from December 2, 1878, to March 4, 1879.
- Forty-sixth Congress.*—First session from March 18, 1879, to July 1, 1879; second session from December 1, 1879, to June 16, 1880; third session from December 6, 1880, to March 4, 1881.
- Forty-seventh Congress.*—First session from December 5, 1881, to August 8, 1882; second session from December 4, 1882, to March 4, 1883.
- Forty-eighth Congress.*—First session from December 3, 1883, to July 7, 1884; second session from December 1, 1884, to March 4, 1885.
- Forty-ninth Congress.*—First session from December 7, 1885, to August 5, 1886; second session from December 6, 1886, to March 4, 1887.
- Fiftieth Congress.*—First session from December 5, 1887, to October 20, 1888; second session from December 3, 1888, to March 4, 1889.
- Fifty-first Congress.*—First session from December 2, 1889, to October 7, 1890; second session from December 4, 1890, to March 4, 1891.
- Fifty-second Congress.*—First session from December 7, 1891, to August 5, 1892; second session from December 5, 1892, to March 4, 1893.
- Fifty-third Congress.*—First session from August 7, 1893, to November 3, 1893; second session from December 4, 1893, to August 3, 1894; third session from December 3, 1894, to March 4, 1895.

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## PRESIDENTS *PRO TEMPORE* OF THE SENATE

NAME.	STATE.	TIME OF SERVICE.
1. John Langdon.....	New Hampshire.....	1789-92
2. Richard Henry Lee.....	Virginia.....	1792
3. John Langdon.....	New Hampshire.....	1792-94
4. Ralph Izard.....	South Carolina.....	1794-95
5. Henry Tazewell.....	Virginia.....	1795-96
6. Samuel Livermore.....	New Hampshire.....	1796-97
7. William Bingham.....	Pennsylvania.....	1797
8. William Bradford.....	Rhode Island.....	"
9. Jacob Read.....	South Carolina.....	1797-98
10. Theodore Sedgwick.....	Massachusetts.....	1798
11. John Laurence.....	New York.....	1798-99
12. James Ross.....	Pennsylvania.....	1799
13. Samuel Livermore.....	New Hampshire.....	1799-1800
14. Uriah Tracy.....	Connecticut.....	1800

	NAME.	STATE.	TIME OF SERVICE.
15.	John E. Howard	Maryland	1800-01
16.	James Hillhouse	Connecticut	1801
17.	Abraham Baldwin	Georgia	1801-02
18.	Stephen R. Bradley	Vermont	1802-03
19.	John Brown	Kentucky	1803-04
20.	Jesse Franklin	North Carolina	1804-05
21.	Joseph Anderson	Tennessee	1805
22.	Samuel Smith	Maryland	1805-08
23.	Stephen R. Bradley	Vermont	1808-09
24.	John Milledge	Georgia	1809
25.	Andrew Gregg	Pennsylvania	1809-10
26.	John Gaillard	South Carolina	1810-11
27.	John Pope	Kentucky	1811-12
28.	William H. Crawford	Georgia	1812-13
29.	Joseph B. Varnum	Massachusetts	1813-14
30.	John Gaillard	South Carolina	1814-18
31.	James Barbour	Virginia	1818-19
32.	John Gaillard	South Carolina	1820-26
33.	Nathaniel Macon	North Carolina	1826-28
34.	Samuel Smith	Maryland	1828-32
35.	Littleton W. Tazewell	Virginia	1832
36.	Hugh L. White	Tennessee	1832-34
37.	George Poindexter	Mississippi	1834-35
38.	John Tyler	Virginia	1835-36
39.	William R. King	Alabama	1836-41
40.	Samuel L. Southard	New Jersey	1841-42
41.	Willie P. Mangum	North Carolina	1842-46
42.	David R. Atchison	Missouri	1846-49
43.	William R. King	Alabama	1850-52
44.	David R. Atchison	Missouri	1852-54
45.	Jesse D. Bright	Indiana	1854-57
46.	James M. Mason	Virginia	1857
47.	Benjamin Fitzpatrick	Alabama	1857-61
48.	Solomon Foot	Vermont	1861-64
49.	Daniel Clark	New Hampshire	1864-65
50.	Lafayette S. Foster	Connecticut	1865-67
51.	Benjamin F. Wade	Ohio	1867-69
52.	Henry B. Anthony	Rhode Island	1869-73
53.	Matthew H. Carpenter	Wisconsin	1873-75
54.	Thomas W. Ferry	Michigan	1875-79
55.	Allen G. Thurman	Ohio	1879-81
56.	Thomas F. Bayard	Delaware	1881
57.	David Davis	Illinois	1881-83
58.	George F. Edmunds	Vermont	1883-85
59.	John Sherman	Ohio	1885-87
60.	John J. Ingalls	Kansas	1887-91
61.	Charles F. Manderson	Nebraska	1891-93
62.	Isham G. Harris	Tennessee	1893-95

## SPEAKERS OF THE HOUSE OF REPRESENTATIVES

NAME.	STATE.	TIME OF SERVICE.
1. Frederick A. Muhlenberg...	Pennsylvania.....	1789-91
2. Jonathan Trumbull.....	Connecticut.....	1791-93
3. Frederick A. Muhlenberg...	Pennsylvania.....	1793-95
4. Jonathan Dayton.....	New Jersey.....	1795-99
5. Theodore Sedgwick.....	Massachusetts.....	1799-1801
6. Nathaniel Mason.....	North Carolina.....	1801-07
7. Joseph B. Varnum.....	Massachusetts.....	1807-11
8. Henry Clay.....	Kentucky.....	1811-14
9. Langdon Cheves.....	South Carolina.....	1814-15
10. Henry Clay.....	Kentucky.....	1815-20
11. John W. Taylor.....	New York.....	1820-21
12. Philip P. Barbour.....	Virginia.....	1821-23
13. Henry Clay.....	Kentucky.....	1823-25
14. John W. Taylor.....	New York.....	1825-27
15. Andrew Stephenson.....	Virginia.....	1827-34
16. John Bell.....	Tennessee.....	1834-35
17. James K. Polk.....	".....	1835-39
18. Robert M. T. Hunter.....	Virginia.....	1839-41
19. John White.....	Kentucky.....	1841-43
20. John W. Jones.....	Virginia.....	1843-45
21. John W. Davis.....	Indiana.....	1845-47
22. Robert C. Winthrop.....	Massachusetts.....	1847-49
23. Howell Cobb.....	Georgia.....	1849-51
24. Linn Boyd.....	Kentucky.....	1851-55
25. Nathaniel P. Banks.....	Massachusetts.....	1856-57
26. James L. Orr.....	South Carolina.....	1857-59
27. William Pennington.....	New Jersey.....	1860-61
28. Galusha A. Grow.....	Pennsylvania.....	1861-63
29. Schuyler Colfax.....	Indiana.....	1863-69
30. James G. Blaine.....	Maine.....	1869-75
31. Michael C. Kerr.....	Indiana.....	1875-76
32. Samuel J. Randall.....	Pennsylvania.....	1876-81
33. John W. Keifer.....	Ohio.....	1881-83
34. John G. Carlisle.....	Kentucky.....	1883-89
35. Thomas B. Reed.....	Maine.....	1889-91
23. Charles F. Crisp.....	Georgia.....	1891-95

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